DOCUMENT RESUME

ED 148 930 UD 017 642

TITLE School Desegregation in Metropolitan Areas: Choices and Prospects; A National Conference, March 15-16, 1977.
INSTITUTION National Inst. of Education (DHEW), Washington, D.C.
PUB DATE Oct 77
NOTE 162p.; Pages 104-114 may be marginally legible due to the print quality of the original document. For related documents see UD 017 643 - UD 017 650

EDRS PRICE MF-$0.83 HC-$8.69 Plus Postage.
DESCRIPTORS *City Problems; Conference Reports; Elementary Secondary Education; Housing Patterns; *Interdistrict Policies; *Metropolitan Areas; Public Schools; *Residential Patterns; *School Integration; *School Segregation; Suburban Schools; Urban Areas; Urban Schools

ABSTRACT

This document is a collection of papers presented at a conference in March, 1977. The authors address the issue of school desegregation within the socioeconomic context of large metropolitan areas in the United States. Societal trends and institutions are examined. The interrelatedness of poverty, lack of housing and job opportunities, and poor urban education are discussed. Though divergent solutions are proposed by the different authors, all are in agreement that residential patterns in metropolitan areas will not of themselves become desegregated if current policies are pursued. Other themes examined in this collection include the constitutionality and legal aspects of school desegregation plans. In conjunction with these issues various approaches to desegregation are discussed. The two broad alternatives explored are the central city focus, and the metropolitan focus. The latter, an approach that would include wide scale interchange of students and resources across school district lines, is more consistent in outlook with the tone of this volume. Each set of two papers on similar themes is followed by a discussion. (GC)

****
* Documents acquired by ERIC include many informal unpublished *
* materials not available from other sources. ERIC makes every effort *
* to obtain the best copy available. Nevertheless, items of marginal *
* reproducibility are often encountered and this affects the quality *
* of the microfiche and hardcopy reproductions ERIC makes available *
* via the ERIC Document Reproduction Service (EDRS). EDRS is not *
* responsible for the quality of the original document. Reproductions *
* supplied by EDRS are the best that can be made from the original. *
****

ED148930

U.S. DEPARTMENT OF HEALTH,
EDUCATION & WELFARE
NATIONAL INSTITUTE OF
EDUCATION

THIS DOCUMENT HAS BEEN REPRODUCED EXACTLY AS RECEIVED FROM THE PERSON OR ORGANIZATION ORIGINATING IT. POINTS OF VIEW OR OPINIONS STATED DO NOT NECESSARILY REPRESENT OFFICIAL NATIONAL INSTITUTE OF EDUCATION POSITION OR POLICY

School Desegregation in Metropolitan Areas:

Choices and Prospects

A NATIONAL CONFERENCE
MARCH 15-16
1977

ERRATUM

Page 91, Table 1: $R^2 = .826$, not .995

U.S. Department of Health, Education, and Welfare
    Joseph A. Califano, Jr., Secretary
National Institute of Education
    Patricia A. Graham, Director
Educational Equity Group
    Vera Brown, Acting Associate Director
Desegregation Studies Staff
    Ronald D. Henderson, Acting Chief

OCTOBER 1977

UD017642

TABLE OF CONTENTS

Metropolitan School Desegregation: Emerging Research Issues by Ronald D. Henderson and Mary von Euler 1

Demographic Perspectives on Metropolitan School Desegregation by Karl E. Taeuber ... UD017643 7

UD0 17644
City and Suburbs: Perspectives on Interdistrict Desegregation Efforts by Edgar G. Epps 17

Discussion of Papers Presented by Karl Taeuber and Edgar Enps by Marshall S. Smith 25

UD0 17645•
Schools, Housing, Jobs, Transportation: Interlocking Metropolitan Problems by William G. Colman 27

UD0 17646
If Wishes Were Houses Then Busing Could Stop: Demographic Trends and Desegregation Policy by Gary Orfield 43

Discussion of Papers Presented by William G. Colman and Gary Orfield by Charles T. Clotfelter..................... 59

UD0 17647
Metropolitan Desegregation: Where Are the Courts Heading? by Nathaniel R. Jones........................... 63

UD0 17648
The Desegregation of School Systems: Where the Courts Are Headed by Daniel D. Polsby 69

Discussion of Papers Presented by Nathaniel R. Jones and Daniel D. Polsby by Robert Allen Sedler................. 81

UD0 17649
The Social and Instructional Setting for Metropolitan Integration by Daniel U. and Rayna F. Levine 89

UD0 17650
Metropolitan Remedies for Public School Discrimination: The Neglected Option by William L. Taylor...................... 115

TABLE OF CONTENTS — Continued

Metropolitan Desegregation: How Is It Working Today?
A Panel Presentation Dolores E. Cross, Moderator:
E. Lutrell Bing, Beverly J. Cleckner, Rolland W. Jones, Suzanne Post, Panelists **123**

Metropolitan Desegregation: New Directions for State and Local Policy:
A Panel Presentation Robert Lyons, Moderator:
Boyd Bosma, Dennis Conta, E. Richard Larson, Ewald B. Nyquist,
Lorenza Calvillo Schmidt, Panelists **139**

Biographies **161**

Metropolitan School Desegregation: Emerging Research Issues

by Ronald D. Henderson* and Mary von Euler*

In 1968, the Kerner Commission came to the conclusion that "(o)ur nation (was) moving toward two societies, one black, one white—separate and unequal"[1] (It seems appropriate and overdue to add Spanish-speaking to this characterization.) The Commission pointed to many public policies that contributed to the division, and observed the increasing segregation of metropolitan areas—with more affluent white families in the suburban rings, and poor minorities in the central cities—and the segregated, unequal condition of urban education. Whether through lack of knowledge or lack of resolve, little progress has been made since 1968.

This paper addresses the particular area of inequality and segregation in public education, and some of the emerging research issues. One major barrier to desegregation is the boundary line between city and suburbs. Political fragmentation—especially outside the South—necessitates new and imaginative remedies by courts and suggests numerous areas of research. The Congress has instructed the National Institute of Education to concentrate resources on a few high priority areas of "research and development . . . (toward) improving the ability of schools to meet their responsibilities to provide equal educational opportunities . . ."[2] and "(e)xploring methods to assist schools and parents in resolving problems associated with school desegregation."[3] The racial trends in most urban areas of this country clearly indicate that one logical focus of desegregation research and development is the metropolitanization concept. The process of school desegration must be examined in the metropolitan context.

To help gain a sense of where current research stands, and what the evolving critical issues are, the Desegregation Studies Staff of NIE convened a conference in March, 1977, entitled "School Desegregation in Metropolitan Areas: Choices and Prospects." A cross-section of legal and social science researchers, education practitioners, federal administrators and compliance enforcement personnel, representatives of national and local education and civil rights groups, and so on, attended the conference. The following comments serve, first, as a brief introduction to the conference papers and, second, as our sense of the meaning of court actions for metropolitanization research.

Social scientists like William Colman, Daniel and Rayna Levine, Karl Taeuber, Edgar Epps, and Gary Orfield have examined institutions and trends in our society. While offering widely divergent solutions, they all suggest that residential patterns in metropolitan areas will not of themselves become desegregated, if current policies are pursued. Some of these scholars lend a sense of urgency to the need for further examination and revision of public policies, in light of their impact on the composition of schools.

While conventional wisdom may suggest that conferences serve as vehicles for scholars to impart knowledge to practitioners, this conference demonstrated that frequently it is the other way around. Teachers, community activists, school board members, legislators and administrators point out what works and what does not. They often stimulate scholars to ask the right questions in their research. For example, one practitioner, in a question to a panel of researchers, stated emphatically that if metropolitan desegregation is not viable, a logical line of inquiry is research on quality education in predominantly minority schools. Practitioners like E.L. Bing of Tampa-Hillsborough, Beverly Cleckner of Nashville-Davidson County, Suzanne Post of Louisville-Jefferson County, and Rolland Jones, formerly of Charlotte-Mecklenburg, demonstrate that it is feasible to desegregate schools on a metropolitan areawide basis. As the United States Commission on Civil Rights has pointed out time and time again, leaders like these at the local level, and others at the state level in Wisconsin, Illinois, New Jersey, and Massachusetts are essential to successful desegregation. In most districts, however, legal, administrative, political, financial, and pedagogical obstacles to metropolitan desegregation must be overcome.

---

*The views expressed in this article are those of the authors only and are not statements of policy of the federal government or the National Institute of Education.

Legal authorities like Nathaniel Jones, Daniel Polsby, Robert Sedler and William Taylor examine in these papers whether there is a constitutional right to a desegregated education, what may be expected from the courts, and what solutions must be supplied by the legislatures. Even before *Brown* v. *Board of Education* in 1954,[4] the courts took the lead in the transition from segregated to integrated education. In the 1960s, the legislative and executive branches assumed significant roles, from which they retreated in the late sixties and seventies. If the Detroit case of *Milliken* v. *Bradley*[5] signals that the courts regard the geographic boundary between city and suburban jurisdictions as a formidable legal barrier to metropolitan desegregation, alternatives to court-ordered remedies must be examined for policies at federal, state, and local levels. Some are suggested by William Taylor and the Levines.

As these papers go to press (summer, 1977), the Supreme Court has just handed down decisions in a number of cases. The press has suggested that the judiciary has significantly shifted direction, toward narrower remedies, thus rendering metropolitan ones even less likely.

We find the news not that remarkable. In 1973, the Supreme Court in the Denver case held that intentional segregation with an impact on one substantial portion of a school system implies a systemwide violation requiring a systemwide remedy, unless the school district can prove the remaining segregation was caused by the neutral application of a neighborhood school policy on residential patterns that had become segregated fortuitously, by private acts.[7] That decision remains unimpaired.

Since 1971, the Court has shown an awareness that public policies for housing have led to segregated schools, and public policies for schools have exacerbated housing segregation.

> "People gravitate toward school facilities, just as schools are located in response to the needs of people. The location of schools may thus influence the patterns of development of a metropolitan area . . ."[8]

Public policies and private choices are thus inextricably bound.

In the latest Dayton case [9] on the other hand, the Supreme Court said that the district court "must determine how much incremental segregative effect these violations had on the racial distribution of the Dayton school population." The court must figure out "what (the distribution) would have been in the absence of such constitutional violations," and only remedy those effects. A researcher presumably must ask not only "where would Student X have been assigned had the school board acted constitutionally?" but also "Where would Family Y have moved?" Such questions would tax the capabilities of the most skilled social scientist.

In an important sense, though, this Dayton decision represents no change. Courts continually recite that the scope of the remedy must be tailored to the scope of the violation,[10] a basic principle of equity law. Measuring the scope of the violation is a factual determination for a district court to make, with the aid of whatever social science advice it is proffered. The Sixth Circuit Court of Appeals had suggested in this case that, based on the evidence presented, the district court's findings of violations were inadequate. While not reversing the lower court's findings of fact, however, the court went ahead and ordered a systemwide remedy. It was this action that the Supreme Court found improper. The Supreme Court does not second-guess lower courts' factual findings. It decides questions of law, establishes presumptions and other legal rules as guidance for lower courts. The Supreme Court ordered the court of appeals to return the Dayton case to the district court for further findings of fact and perhaps more evidence on the scope of the violation, before a systemwide remedy would be justified. By leaving the Dayton desegregation plan in effect for another year there is perhaps an implied anticipation that the district court will find more violations, since some are already in the record. (The Court also noted it may be necessary to take more evidence.) Hence the district court is still free to determine that a violation in this or any other case was in fact districtwide—or interdistrict—thus permitting a broad remedy. The social scientists will continue to be called upon to determine and advise the courts as to the breadth of impact of the government's discriminatory acts.

While Justice Rehnquist, writing for the unanimous Court in the Dayton case, repeatedly referred to the alleged "ambiguity" of the district court's references to "cumulative violations," this does not necessarily reflect a changed philosophy. The Court stated that

> "the question of whether demographic changes resulting in racial concentration occurred from purely neutral public actions or were instead the intended result of actions which appeared neutral on their face but were in fact invidiously discriminatory is not an easy one to resolve."[11]

Singling out what segregation is the result of deliberate public policies, which are the ripple effects of many violations, and what segregation is the result of private choice, is still the big challenge to social scientists. The Court's tall order is for unambiguous proof.

The papers presented at the NIE Conference in March begin to show the way. In our judgment, they deserve to be widely read.

FOOTNOTES

[1] Report of the National Advisory Commission on Civil Disorders, p.1.

[2] 20 U.S.C. §1221e (b)(2), as amended, Pub. L. 94-482 §403 (a).

[3] U.S. House of Representatives, "Department of Labor and Health, Education, and Welfare, and Related Agencies Appropriation Bill, 1978," Report No. 95-381, 95th Cong. 1st. Sess., June 2, 1977.

[4] 347 U.S. 483.

[5] 418 U.S. 717 (1974).

[6] *See e.g.*, Washington Post, June 28, 1977, p. 1.

[7] Keyes v. School District No. 1, Denver, 413 U.S. 189 (1973).

[8] Swann v. Charlotte-Mecklenburg, 402 U.S. 1, 20-21 (1971).

[9] Brinkman v. Gilligan, 97 S.Ct. 2766 (1977).

[10] *See e.g.*, 418 U.S. at 744; 402 U.S. at 16.

[11] 97 S.Ct. at 2772.

ED148931

Demographic Perspectives on Metropolitan School Desegregation*

by Karl E. Taeuber

The academic researcher typically has faith that reporting the latest findings from lab or computer will suffice to raise the level of discourse and rationality in debate over policy choices. That faith is probably misplaced when the researcher is reporting to a diverse audience of activists and practitioners who have deep feelings about a politically hot topic. Fortunately the vicissitudes of my current research enterprise dictate that I have no recently revealed truth to present, nor any charts and graphs to bedazzle or confuse. Instead I shall set forth a mixture of perspective and evidence, drawing on my demographic and statistical work as sometime scholar and sometime expert witness. My remarks are organized around five broad questions.

I. What Is the Impact of Central City Desegregation on the Totality of Metropolitan Segregation?

For a first case, consider Richmond, Virginia, locus of one of the major legal battles over metropolitan school desegregation. For purposes of the litigation, the metropolitan area was defined as the city of Richmond plus two adjoining counties, Chesterfield and Henrico. (A third county that is part of the federally designated metropolitan area is omitted from this discussion.) The Richmond metropolis, with a population in 1970 of half a million, was among the nation's 100 largest. About half the residential population lived in the city, half in the suburban counties. About one-fourth of the total population was black. In accord with a common southern pattern, population growth during the 1960's was about the same for blacks as for whites, in Richmond and in the two counties. Most (85%) of the blacks in the metropolitan area, but fewer than half of the whites, lived in the city of Richmond.

In Richmond the percentage of blacks was higher in the public schools (64% among elementary pupils in 1970) than in the total residential population (42%). The corresponding contrast in the suburban counties was much less: 9% in the schools, 8% in the population. Richmond and the two counties were three separate school districts, and in 1970 each was taking independent desegregatory actions.

I like to use a segregation index to indicate the extent to which black and white pupils are

---

This paper is one in a series, "Studies in Racial Segregation," supported by funds granted to the Institute for Research on Poverty at the University of Wisconsin by the Department of Health, Education, and Welfare pursuant to the provisions of the Economic Opportunity Act of 1964. Preparation of the paper was supported by Contract No. HEW-700-76-0196 from DHEW and by Grant No. 1 RO 1 MH 27880-01 MP from NIMH. The research summarized here also drew on the resources of Population Research Center Grant No. PO1-HD-0-5876 awarded to the Center for Demography and Ecology of the University of Wisconsin by the Center for Population Research of the National Institute for Child Health and Human Development. The counsel of Louis R. Lucas, Alma F. Taeuber, and Franklin D. Wilson and the comments of David Dickens are gratefully acknowledged. The perspectives are the sole responsibility of the author.

UD017643

enrolled in the same schools. The index is 100 if there is complete segregation and zero if there is complete racial balance. By complete racial balance I mean that the percentage black in each school is exactly the same as in every other school. Zero is a point on the scale, useful for measurement, but not an explicit or implicit target. The specific index I use is the index of dissimilarity. I prefer the index of dissimilarity to other segregation measures, such as the one that James Coleman used in his Urban Institute report.[1] For the question at hand the choice of index is not a problem.

In the three years, 1967-1970, the segregation index (for elementary pupils) for Richmond dropped from 95 to 71, and in each of the two counties from 80 to 60. Before the federal district court in the summer of '71 were several plans to spur school desegregation within the city. Plan III was a very comprehensive proposal. If it had been implemented, the elementary pupil segregation index for Richmond would have dropped to 16. (For any school district, a plan that brings all schools into a narrow range around the average percentage black will usually produce an index score of about 10 to 20. Scores below 10 require rigid racial balancing. No plan that I know of for any large school district has ever sought total racial balance. Zero, as I said, is a point on a scale, not a formal target.)

Calculation of the city index begins by noting that the percentage black among elementary pupils was 61.1. Computation of the index requires algebraic manipulation of the difference between 61.1 and the percentage black for each school. If we shift focus to the combined city-plus-two-counties metropolitan community and seek to calculate a metropolitan school segregation index, we begin with the percentage black among the aggregate of metropolitan elementary pupils—32.5%. The actual percentage black for each school is compared to 32.5. When the differences are toted up by the algebraic formula, the index score is 78.

Most schools in the three-district metropolitan area were, in 1970, more than 90% or less than 10% black. If all schools had been uniracial, the segregation index would have been 100. The small degree of racial mixing that was found in many schools sufficed to bring the index from 100 down to 78.

The purpose of these calculations was to lay a basis for describing the metropolitan impact of implementing a comprehensive city-only desegregation plan. Suppose that elementary school pupils in the city were redistributed among schools according to Plan III, effective Fall, 1971, and that the racial composition of elementary schools in Chesterfield and Henrico Counties remained unchanged from Fall, 1970. The metropolitan segregation index score would have been 64. The drop from 78 to 64 is a measure of the metropolitan impact of city-only desegregation.

Taking the city as the focus of concern, Plan III could have been very successful, dropping the elementary pupil segregation index from 71 to 16. Taking the metropolitan area as the focus, Plan III, for all its large-scale reassignment of pupils, would cause the metropolitan index to drop only 14 points (78 to 64).

Perhaps the use of segregation indexes is an unnecessary formalization, so I shall risk belaboring the point by going at it another way. If one's focus is on each school district separately, desegregation would be accomplished by making each Richmond elementary school approximately 3/5 black and each county school about 1/10 black. If one's focus is the whole metropolitan system, regardless of county and city boundaries, desegregation would require bringing each school within reasonable range of 1/3 black. Taking city of Richmond schools that were 99 or 95 percent black and making them 3/5 black would be a rather limited step in the direction of the 1/3 guideline. Taking city of Richmond schools that were less than 10 percent black and making them 3/5 black would overshoot the metropolitan target of 1/3 black.

This example demonstrates that metropolitan desegregation cannot be viewed simply as an extension of city-only desegregation. If district-by-district desegregation occurs within a metropolitan area and subsequently a metropolitan-wide desegregation plan is ordered, nearly all schools that had undergone one sharp change in racial composition would have to undergo another sharp change. In the Richmond example, formerly all-white city schools that had been shifted from zero percent to about 61 percent black would have to experience a new pupil reassignment to bring the black percentage back down to about 32 percent. County schools that had been shifted from 95 percent black to 9 percent black would require a new pupil reassignment to bring the black percentage up to 32 percent. If multi-district metropolitan desegregation is the eventual goal, then it is very inefficient and disruptive to undertake single-district desegregation first.

In the case of *Carolyn Bradley, et al. v. the School Board of the city of Richmond, Virginia, et al.* the district court ruled that the State, the School Boards of the city of Richmond and of the counties of Chesterfield and Henrico, and various others are "enjoined to forthwith . . . take all steps and perform all acts necessary to create a single school division composed of the counties of Chesterfield and Henrico and the city of Richmond,"[2] The appeals court reversed[3] and the Supreme Court,[4] on a tie vote, sustained the reversal. The metropolitan merger did not take place.

In Wilmington, Delaware, the outcome was different. Delaware is a southern state like Virginia with respect to pre-*Brown* compulsory racial segregation in the schools. But as an old industrial city within the east coast megalopolis, Wilmington shared in the northern pattern of black population succeeding white within the city and of rapidly growing white suburbs. New Castle County in fall, 1973, was divided into a dozen school districts, of which one small one was excluded from the metropolitan proceedings. (I shall talk about plans and enrollments as of December, 1973, when the metropolitan case was first heard in district court.)[5]

By the fall of 1973, the city of Wilmington had accomplished some desegregation within its elementary schools. The segregation score (index of dissimilarity) was 48. An index of 48 is in the middle of the zero to 100 scale, and indicates that the pupil distribution was not yet racially balanced. In the Wilmington school district 82 percent of elementary pupils were black. Of 14 regular elementary schools, one was less than 10 percent black, one was about 25 percent, 5 were 80-89 percent (i.e., "balanced"), and the other seven were over 90 percent black. In this overwhelmingly black system, even the all-black school, which had no white pupils, was only 18 percentage points above the 82 percent target.

Nineteen of every 20 white public elementary pupils in New Castle County attended school in a suburban district. Fewer than one-fourth of the county's black pupils were in suburban public schools. In the suburban schools, fewer than 6 percent of the pupils were black. One suburban district, with 4 schools, contained half of these suburban black pupils. Of the other 52 suburban elementary schools, in only one did black pupils make up more than 10 percent of the student body (13 percent).

The Wilmington metropolitan area—northern New Castle County–in fall, 1973, was composed of a central city district 82 percent black, one suburban district 41 percent black, and ten suburban districts less than 5 percent black. For the aggregate metropolitan area, the percentage black among elementary pupils was 20 percent. Of 70 elementary schools, only two had a black percentage within 10 points above or below twenty. The segregation index for the metropolitan system was 83. If Wilmington City had completed its own within-district desegregation by fall, 1973, so that each of its schools was exactly 82 percent black, the segregation index for the city would have dropped from 48 to 0 and the index for the metropolitan system would have dropped from 83 to 82.

From a metropolitan perspective, it doesn't matter very much how pupils are shifted around among a set of 14 schools that average 82 percent black, or how pupils of each race are shifted around among 50 schools that average 6 percent black. The crucial feature of the metropolitan system that keeps segregation high is the barrier between city schools and suburban schools. If there is no between-district transfer of pupils, there is no way to make the index for the Wilmington metropolitan area much lower than its fall, 1973, level of 83.

The Wilmington School District, like the Richmond Board of Education, sought through federal court to pursue school desegregation within a metropolitan context. The District prevailed and a metropolitan plan has begun.[5a]

Most desegregation actions have been undertaken within individual districts. Very few multi-district desegregation plans have proceeded to the implementation stage. Many central cities of metropolitan areas have begun city-only desegregation or are engaged in legal proceedings that may result in city-only desegregation orders. In the Richmond example, the segregation indexes showed that city-only desegregation would suffice to cause a small reduction in the total metropolitan school segregation. In the Wilmington example, city-only desegregation would not have a perceptible impact on the total metropolitan segregation. Why the difference? In Richmond, the initial central city segregation was higher and the city-suburb difference in minority percentage was less than in Wilmington. More generally, the less the city-suburb difference in minority percentage and the greater the initial degree of city segregation, the greater impact that central city desegregation will have on metropolitan desegregation.

Two recent research papers, as yet unpublished, have presented central city and metropolitan segregation index scores for a number of places. Those metropolitan areas which have experienced sizable declines in central city segregation have, for the most part, experienced smaller but still noticeable declines in metropolitan school segregation. In the short run, at least, the kinds and amounts of city-only desegregation undertaken to date have not been counterproductive from a metropolitan perspective. But the Richmond and Wilmington examples demonstrate that there is a limit to how much metropolitan impact a city-only plan can have. In metropolitan areas with a high minority percentage in the central city school system and a low minority percentage in the suburban school systems, metropolitan segregation indexes will remain high no matter how low the central city index becomes.

II. City or Metropolitan Perspective: Who Chooses?

Only rarely are desegregation issues put before courts or administrative agencies in such a way as to compel consideration of which set of schools is to constitute the appropriate system. Most cases have been single-district cases from inception to execution. Most of the metropolitan desegregation occurring to date has been inadvertent in the sense that it happens in those states where county-wide school districts are the rule. Florida is the most notable example. By bringing each county district under desegregation orders, metropolitan desegregation plans were effected for Miami (Dade County), Tampa (Hillsborough County), St. Petersburg (Pinellas County), Jacksonville (Duval County), etc. But even in this noteworthy state, the policy has been strictly within-district segregation, and the two-county Standard Metropolitan Statistical Area of Tampa-St. Petersburg has been treated, for school desegregation purposes, as two districts. The Louisville-Jefferson County, Ky., desegregation effort has attracted much attention recently. Development of county-wide desegregation occurred only after merger created a single district. And two Indiana counties that are part of the federally defined Louisville Standard Metropolitan Statistical Area are not included in the desegregation actions. Wilmington remains a very special case, for part of the litigation concerned specification of which suburban districts had been interactive with the Wilmington City school district for segregation purposes.

Voluntary desegregation efforts have sometimes incorporated interdistrict actions, as with the METCO program in the Boston area, but these do not represent serious efforts to devise metropolitan systems. State legislative and administrative actions in Wisconsin, Illinois, and elsewhere are seeking to encourage city-suburb cooperation for desegregation purposes, but here too the effect has not yet been broad and sustained enough to constitute full-scale metropolitan desegregation.

Sociologists, economists, geographers, other social scientists, and all other observers of contemporary society including the general public know that central cities are enmeshed in a metropolitan system. For decades an issue on the national political agenda has been the administrative fragmentation of metropolitan governance. Whatever the historical origins of such fragmentation and whatever its benefits, it comes at the very high cost of carving up an interdependent social and economic unit into a mosiac of warring enclaves.

In footnote 2 of his concurring opinion in *Milliken* v. *Bradley*,[6] Mr. Justice Stewart wrote of the "unknown and perhaps unknowable" factors accounting for racial residential patterns in the Detroit metropolis. There are always unknown and unknowable factors in trying to understand the behavior of individuals, and our understanding of prevailing patterns of behavior of groups of people will never be perfect. But surely the metropolis is neither the product of random behavior nor the outcome of steering by a benign invisible hand. The steering is all too much controlled by individuals and groups who know what they are about and whose actions serve to promote and maintain racial and socioeconomic isolation in residential neighborhoods, in schooling, and in other spheres of activity.

In the same footnote, Mr. Justice Stewart went on to say that "no record has been made in this case showing that the racial composition of the Detroit school population or that residential patterns within Detroit and in the surrounding areas were in any significant measure caused by governmental activity." This is true with respect to the record the Supreme Court reviewed, but I think that social scientists could produce a persuasive record of just such governmental involvement. In accord with recent Court rulings,[7] evidence on intent to discriminate might be necessary. Although pattern and practice of discriminatory effect is easier to document, proof on intent could be developed in some spheres of governmental action—public housing siting, unequal allocation of public services, arbitrary zoning and other formal planning mechanisms, site selection and relocation policies for highway construction and urban renewal activities, etc. Indeed, if the Supreme Court were willing to accept itself as authority, then it might find informative the 1971 *Swann* v. *Charlotte-Mecklenburg*[8] decision. In addition to its more famous sanctioning of pupil transportation, the *Swann* decision also included two remarkable paragraphs citing school actions as a cause of residential patterns, thereby turning the de facto argument upside down. One sentence will suffice here: "The location of schools may thus influence the patterns of residential development of a metropolitan area and have important impact on composition of inner-city neighborhoods."[9]

Other speakers at this conference gave their views of whether this portion of *Swann* or the invitations in *Milliken* to develop proof of interdistrict connections really open a door for broad social science testimony on the origins and character of the racial structure of the metropolis.[10] When such experienced attorneys differ, I would be foolish to put in writing my own non-legal speculation about the Supreme Court. But I think it worth issuing a reminder that the Court serves a very specialized purpose in our society. It did not create metropolitan areas, or the fragmentation of metropolitan government, or school segregation, and it need not be in the forefront of efforts to confront the issues before us at this conference. Legislative and executive branches of government could well resume their function as innovators and experimenters, as definers of problems and seekers of solutions, and leave the courts to their more traditional conservative ways.

III. What is Happening to Metropolitan Areas?

The National Advisory Commission on Civil Disorders reported in early 1968 that "our nation is moving toward two societies, one black, one white—separate and unequal."[11] We all know that a number of metropolitan areas have moved much farther in the two-society direction since 1968, but is the prophecy of the '60's generally accurate? The answer is highly equivocal.

Many cities have experienced a noticeable amount of residential desegregation. Blacks and Hispanic minorities have somewhat greater access to city housing than ever before. Minority families are also dispersing more widely throughout the suburbs, but the process is very much at the token stage in most metropolitan areas. Where large numbers of minorities are newly resident in the suburbs, the familiar patterns of racial concentration and invasion/succession prevail. Thus the optimist can point to great advance over the past, particularly for middle class blacks and non-identifiable Hispanics. The pessimist can point to the massive ghettos that still persist and to the establishment of new ghettos. Both optimist and pessimist can agree that the current pace of "improvement" is largely imperceptible to the ordinary minority household.

Also in 1968 another National Commission (this one on "Urban Problems") received a report that projected city and suburb racial composition into the future.[12] Using a straight-line extrapolation of past trends, continued rapid increases in central city percentages of racial minorities were foreseen. Although there is always reason to be skeptical of such simple extrapolation, it usually works pretty well for a few years.

The development of black majorities in a few large cities during the 1960's was indeed a harbinger of more to come during the 1970's; the 1980 Census will identify perhaps a dozen such cities.[13] I believe it has been misleading to focus attention on this phenomenon. During the 1960's the nation's 243 metropolitan areas displayed an enormous diversity of patterns and rates of white and black in- and out-migration to and from central cities and suburbs. A population group—blacks—that is a minority in the nation is not in process of becoming a majority in large numbers of cities. There are a few dozen cities that have both large numbers and high percentages of minority residents (although the percentage minority for the whole metropolitan area rarely exceeds even 33 percent). Much of the nation's minority population is concentrated in the giant central cities of the largest metropolitan areas, and special attention to their circumstances is necessary. But to assume that these particular cities and their problems describe the totality of the contemporary urban situation is to see the big trees and not the forest. Millions of minority persons live as a demographic minority in more than 200 metropolitan areas of less than one million total population.

There is reason to expect the Douglas Commission extrapolations to diverge further from actuality in the years to come. At least four major demographic changes have occurred since 1967 when those extrapolations were reported.[14] First, the birth rate has dropped, with unprecedented rapidity, for blacks and whites. Within a decade the number of new households being formed will be declining, and the long period of extraordinarily rapid expansion in housing demand will have passed. Second, the centuries-long era of metropolitan expansion is drawing to a close. The recent shift to a negative balance of migration between non-metropolitan and metropolitan areas is, like the baby bust, unprecedented, but it too has been sustained for several years and seems to be a broadly based phenomenon. All large-scale long-continued migrations serve cumulatively to alter the conditions at places of both origin and destination, and thus ultimately change the circumstances that gave rise to the migration. The national shift from non-metropolitan to metropolitan patterns of living could not in any case have continued much longer.

Neither could the flow of blacks from the farms and towns of the South to the cities of North and South continue indefinitely. The third recent shift is black net out-migration from many heavily black central cities, and a net flow of blacks to the South and to non-traditional destinations (smaller cities and cities with small minority percentages). Fourth on my list is the break-through of blacks into suburbia. Whether this is an early harbinger of future desegregated residential dispersal for blacks is uncertain,[15] but in combination with the other trends it does indicate a remarkably strong shift in the urban black population growth that underlay the invasion, succession, neighborhood turnover, and persistent racial hostility that prevailed in many large cities since World War I. The battles aren't all over, but the battlefield has changed. The urban riots and urban crisis of the 1960's were diagnosed by social scientists and social commentators as if nothing had changed from 1915 to 1965. Perhaps not, but I hope we don't take fifty years to recognize that a new pattern has begun that calls for new diagnoses and new policies.

IV. The Future of Central Cities.

Many of the growth patterns that contributed to the growing urban crisis have now changed. Does the relaxation of demographic pressures alter the projected future of central cities? Is there hope that the revitalization of cities and the return of the middle class can move beyond the Sunday Supplement filler stage—"Dr. and Mrs. Rich White have said goodbye to crabgrass, sold their snowblower and suburban home, and moved into a cozy 6-room penthouse suite at the Golden Gild condominium." Has the middle class "return to the city" reached a takeoff stage of statistically noticeable dimension? Alas, I don't see this in the evidence. The dialectic carries me back to pessimism.

The extraordinarily rapid suburbanization after World War II has been viewed primarily as a residential phenomenon. A lull in new housing construction during Depression and War, war-time savings, a spurt in marriage rates and new household formation, a baby boom, reorganization and federal underwriting of home mortgage markets, highway programs and mass automobile ownership—all these forces and more yielded suburbanization. Convenience goods and services followed—retail trade, beauty shops,—and then came shopping centers and banks. For a while location economists assured us that downtowns would retain most of their functions as the vital core of expanding metropolises. As regional shopping centers flourished and pulled specialized shopping from downtown, as suburban medical, professional, and other buildings sprouted, as belt highway intersections attracted transportation- and space-dependent industries, as central city tax rates sky-rocketed and services to employers and middle-class residents failed to keep pace with what suburbs could offer, the myth persisted of downtown as the irrepressible office center for the face-to-face contact and quick communication needs of the "post-industrial service economy."

If I may talk about general trends and overlook the great variety among metropolitan areas, there is some recent disconcerting evidence.[16] Consider the location of employment for each of 23 industries (mining and agriculture are excluded) for workers living in metropolitan areas. For only 10 of the industry groups did central city employment increase 1960-1970; for 21 industries suburban employment increased. For every industry the central city share of metropolitan employment declined. This includes specifically those prototypical central city functions—finance, business services, professional services, and public administration.

There is an enormous capital investment in central cities and a great deal of inertia in metropolitan locational patterns. A shift in locational dynamics that leads to net suburban relocation may persist for a long time before sufficient aggregate shift has occurred to be unavoidably noticed. In a period of rapid metropolitan growth and economic change, when central city employment in many industries was increasing, it was easy to overlook the implications of higher rates of suburban increase. As rates of aggregate metropolitan growth slow and as long-simmering relocation trends gain momentum, an across-the-board central city employment decline can set in as unexpectedly and shockingly as did central city population decline during the last two decades.

With the continuing shift of work places to the suburbs for nearly every industry and occupation, further major redistribution becomes inevitable. Often cited as the most important centralizing factor for management and control functions is the need for easy access to other business and governmental agencies and services. Suburbanization has proceeded to the point that many suburban locations now offer such diverse accessibility. The relative advantages of central location diminish while all the well-known aspects of the urban crisis intensify the perceived disadvantages of central location.

I suggested earlier that demographic trends producing a lower rate of metropolitan growth may have some ameliorative effects on many central city problems. Unfortunately this very slowdown makes more visible the accelerating shift of metropolitan functions to suburban locations. The fiscal and social crises of the cities cannot be solved simply by zero or negative demographic growth. Neither can they be solved simply by metropolitan jurisdictional reorganization. Nonetheless a metropolitan perspective would convey a far different set of images of the character and magnitude of the problems and of the potential solutions.

V. What is the Role of Schools in All This?

I referred earlier to the Supreme Court's *Swann* decision and the presumptive link between school segregation and housing segregation. Let me again cite judicial authority, District Judge Duncan's opinion in *Penick* v. *Columbus (Ohio) Board of Education,*[17] a decision rendered in March, 1977, after the recent *Pasadena*[18] and *Austin*[19] Supreme Court decisions that raised the question of whether district judges would become very timid in school desegregation cases.

> . . . School authorities do not *control* the housing segregation in Columbus, but the Court also finds that the actions of the school authorities have had a significant impact upon the housing patterns. The interaction of housing and the schools operates to promote segregation in each . . . . I do not suggest that any reasonable action by the school authorities could

have fully cured the evils of residential segregation . . . I do believe . . . that the Columbus defendants could and should have acted to break the segregation snowball created by their interaction with housing."20

The *Columbus* case is another city-only case. I quote it for its clear language on the school-housing link. If this real world link can be brought within judicial cognizance, then a city-suburb mutual impact also should be provable and a new avenue opened for judicial recognition of the metropolitan scope of educational services.

School segregation is part of the cause and part of the effect of the metropolitan racial crisis. Metropolitan area school desegregation would seem to be a necessary part of any concerted attack on the complex of metropolitan racial problems, but obviously not sufficient by itself. Indeed, a concerted attack on any or all of the racial aspects of the metropolitan crisis—schools, housing, jobs—would seem to be of limited potential unless the other social, political, and economic problems of the metropolis are also attacked.

Metropolitan school segregation and desegregation, therefore, should be placed in a broader perspective. It is not enough to take only a judicial perspective. Whoever the nine Supreme Court justices are and whatever their ability to perceive the way unconstitutional discrimination has affected and continues to affect the very structure of our society, their decisions and those of lower court judges can resolve only the narrow questions that are put to them. Similarly it is not enough to evaluate central city desegregation by researching, whether poorly or well, the so-called white flight phenomenon. School desegregation and white flight did not create the urban crisis or the metropolitan crisis. In our urban society, all domestic policy is linked to our racial issues and our urban crises. The National Commissions on Civil Disorders and on Urban Problems proposed imaginative and far-sighted local, state, and federal programs addressed to the intermeshed web of metropolitan problems, but their pleadings came too late in the 1960's, while our national energies were being directed to international conflict with its poisonous spillover and incredible fund-guzzling. As we focus on seemingly narrow issues of the organization of schooling, let us not lose sight completely of the broader context. After all, if a policy study of urban civil disorder can turn into a national agenda for social and economic change, can a policy study of metropolitan school desegregation do less?

FOOTNOTES

[1] Karl E. Taeuber and Alma F. Taeuber, *Negroes In Cities* (Chicago: Aldine, 1965), Appendix A; James S. Coleman, Sara D. Kelly, and John A. Moore, "Trends in School Segregation, 1968-73" (Urban Institute Paper 722-03-01, August 1975).

[2] 338 F. Supp. 67, 245 (E.D.Va., 1972).

[3] 462 F.2d 1058 (4th Cir. en banc 1972).

[4] 412 U.S. 92 (1973).

[5] Evans v. Buchanan, 379 F. Supp 1218 (D. Del. 1974).

[5a] Postponed, Aug. 5, 1977 [Ed.].

[6] 418 U.S. 717 (1974).

[7] Washington v. Davis, 426 U.S. 299 (1976).

[8] 402 U.S. 1 (1971).

[9] Id. at 20-21.

[10] See papers by Jones, Polsby, Sedler, below.

[11] National Advisory Commission on Civil Disorders, *Report* (New York: Bantam Books, 1968), p. 1.

[12] Patricia Leavey Hodge and Philip M. Hauser, *The Challenge of America's Metropolitan Population Outlook - 1960 to 1985* (Washington: The National Commission on Urban Problems, Research Report No. 3, 1968).

[13] Karl E. Taeuber, "Social and Demographic Trends: Focus on Race," in Eli Ginsberg, ed., *The Future of the Metropolis: People, Jobs, Income* (Salt Lake City: Olympus, 1975), pp. 31-49.

[14] Karl E. Tauber, "Demographic Trends Affecting the Future Labor Force," in *Demographic Trends and Full Employment* (Washington: National Commission for Manpower Policy, Special Report No. 12, 1976), pp. 101-191.

[15] Karl E. Taeuber, "Racial Segregation: The Persisting Dilemma," *Annals of the American Academy of Political and Social Science* 422 (November, 1975), pp. 87-89.

[16] Karl E. Taeuber, "Demographic Trends Affecting the Future Labor Force," pp. 162-180.

[17] 429 F. Supp. 229 (S.D. Ohio 1977).

[18] Pasadena City Board of Education v. Spangler, __ U.S.__, 96 S. Ct. 2697 (1976).

[19] Texas Education Agency v. U.S., __U.S.__, 97 S. Ct. 517 (1976).

[20] 429 F. Supp. at 259.

ED148932

City and Suburbs: Perspectives on Interdistrict Desegregation Efforts

by Edgar G. Epps

We usually think of the urbanized area as consisting of a central city and its suburbs. We can add a measure of precision by using the United States Bureau of the Census definition of Standard Metropolitan Statistical Areas: "An SMSA is a county or group of contiguous counties which contains at least one central city of 50,000. Other contiguous counties are included in an SMSA if, according to certain criteria, they are essentially metropolitan in character and are socially and economically integrated with the central city." Obviously the urbanized area by this definition includes many diverse areas e.g., the wealthy suburbs, the blue-collar suburbs, ethnic enclaves both within the inner-city and in the older suburbs, satellite communities developed to serve the special needs of selected target populations, and commercial and industrial suburbs, as well as the inner-city with all of its diversity.

When one attempts to make broad generalizations about urban and suburban school district cooperation, it is well to keep this diversity in mind. In addition, the nature of our fragmented government structure must be considered. Most of the problems which seem to require metropolitan solutions cut across governmental lines. Therefore, unless the states are willing to override local government authority, or the federal government assumes primary responsibility for developing metropolitan programs, the only interdistrict educational programs that can be developed are those ordered by the federal courts or voluntary programs based on common interests. The prognosis for more than token voluntary programs is not very good because the interests of central cities and suburbs are often perceived as diametrically opposed.

Patterns of metropolitan growth have created problems for the central cities which are characterized by deterioration of housing stock, overcrowded schools, increased juvenile and adult crime, high rates of unemployment, heavy welfare burdens, inadequate transportation systems, and a declining tax base. Many central cities are also facing the situation of non-white majorities in the schools and possibly in the voting population as well. Thus, school and housing desegregation present problems that cannot be solved by intra-district programs. The problems of the suburbs are characterized by inadequate public services such as water supply systems, sewage systems, and police and fire protection. In terms of social characteristics, suburban districts tend to have relatively small minority and lower income population. While the major problems of the suburbs also require interdistrict solutions, the problems of greatest concern to the central city tend to have low priority in the suburbs.

In addition, school districts are now faced with declining enrollments which may result in reducing the amount of money coming to them from the state. They are also faced with the necessity to close some school buildings, which can cause a great amount of tension and conflict in a district. It can also cost a superintendent his job. Central city school districts are also experiencing declin-

UD017644

ing enrollments; they are losing both middle-class whites and blacks. This contributes to the decline in the tax base of central cities while contributing to the relative financial advantage of the suburbs.

In spite of the clear advantages inherent in metropolitan planning where it concerns such system-wide functions as transportation and environmental quality, local government units are reluctant to relinquish their autonomy. This is particularly true where taxing authority is concerned. As an incentive to large scale interdistrict planning in non-educational matters, the federal government has provided financial inducements that encourage the development of "multi-jurisdictional agencies" to help fill the need for governance that transcends the boundaries of cities, counties, and townships.[1] There are areawide law enforcement planning councils, comprehensive planning districts for housing and urban development, areawide comprehensive health planning agencies, resource conservation and development districts, comprehensive area manpower planning systems, economic development districts, air quality control regions, community action agencies, and regional transportation authorities. There are as yet, no comparable inducements for educational cooperation. However, Illinois State School Superintendent Joseph Cronin has proposed using state education funds and possibly federal funds to provide supplemental allocations to districts that voluntarily engage in interdistrict cooperation to further the goals of racial and social class integretion.

Cronin stated that:

> Wisconsin has recently passed legislation designed to stimulate voluntary inter-city cooperation in reducing urban school segregation both in Milwaukee and small cities. For the 1976-77 school year, $5 million was appropriated to stimulate suburban cooperation.[2]

Similar legislation has been proposed in Illinois. Urban and suburban school administrators have been convened for discussion of possible pilot programs involving inter-district transfer of pupils. A conservative evaluation of the suburban response is that the proposals were not greeted with enthusiasm.

Superintendent Cronin is still actively encouraging districts to devise voluntary solutions. He suggests that a model program might have these ingredients:

1. Establishment of a broad-based planning committee in each metropolitan area to evaluate the prospects.
2. Research into long-term housing, financial, racial (composition) and educational trends as requested in Illinois. A report by Anthony Downs in May, 1976, documented 30,000 empty seats in Chicago suburbs as of 1974, with an equal number expected by 1978.
3. Priorities so that middle-class suburbs with space available are encouraged to establish the first pilot programs while other suburban school districts watch and evaluate.
4. Close cooperation with employers and housing agencies in order to design more permanent solutions in the distant suburbs and growing subdivisions in accord with national policies.
5. Agreements for athletic cooperation and participation.
6. Provision for suburban student participation in a wide array of specialized or magnet city school programs without diminution of opportunities for city youth.
7. A state law to establish the necessary incentive aid to enable suburbs to welcome city students to the vacant seats and classrooms.
8. A plan for quality integrated education which includes an equitable selection of student volunteer participants (not just the gifted), teacher retraining, and revisions of the curriculum.
9. A companion plan to upgrade urban education to encourage families to locate in the cities in new or rehabilitated areas with a choice of good schools. Also, as minority enrollments begin to decline, the poorest of the city schools should be closed both to economize and achieve desegregation.[3]

Havighurst and Levine contend that while education undeniably is closely associated with the life style choices and preferred values of residents of metropolitan areas, this very same relationship fosters a deep resistance to coordinated planning to improve the quality of education throughout the total area. They state that:

> in a socially stratified society in which education is a principal developer of human resources and a primary determinant of individual success and social progress, unequal or inadequate educational opportunities in any substantial part of the metropolitan area diminish its capacity to sustain a democratic pluralistic social order. The effects of stratification and segregation in metropolitan society and its schools are such that education has become a primary mechanism for the accumulation of privileges which some social groups can pass on to their children and an institution which is unable to respond very well to the hope of less privileged groups that schooling will provide their children with anything resembling a truly equal chance in life.[4]

Interdistrict cooperation could do much to alleviate the inequality that now characterizes much of American education. To move toward greater metropolitanism in education, it will be necessary to develop programs that will reduce fragmentation and lack of coordination within and among the major social systems of the metropolitan area. Havighurst and Levine suggest that public school officials can:

> 1. Form and strengthen cooperative association in which school districts work together to accomplish goals they cannot achieve alone;
> 2. Support proposals to restructure and reorganize existing school districts so that area-wide educational functions are carried out by an area-wide authority and local educational functions are discharged by districts which are neither too large nor too homogeneous or financially handicapped to allow for effective and equitable utilization of metropolitan resources for education;
> 3. Initiate central city-suburban programs aimed at reducing stratification in metropolitan schools;
> 4. Establish exemplary experimental schools in which parents anywhere in the metropolitan area who recognize the value of pluralistic educational experiences can enroll their children; (for example, Houston's extensive magnet school programs could be expanded to include suburban districts).
> 5. Establish formal mechanisms to ensure coordination between education and other major social systems at the regional level as well as the level of the local school district and the individual school.[5]

These proposals are rather conservative, but they do point out some of the opportunities that are available to urban educators who seek metropolitan solutions to problems that affect the whole area. By not making the effort, many cities may lose the capacity to find constructive solutions to urban and metropolitan problems. "Inaction or lack of initiative today may be equivalent to assuring that there will be no choices left for action tomorrow."[6]

One of the most far reaching plans is that developed by Havighurst as a result of an analysis of the problems of the Chicago public schools. He concluded that there is a need for legal unity in the area of education between the city and the suburbs surrounding it (a six county area).

> His plan called for a single area-wide taxing unit with local community school boards exercising considerable control over districts with 100 to 200 thousand people. The area-wide or metropolitan authority would have the power to plan and construct schools and certify teachers. The local boards would administer schools, establish teacher salaries, and to a large extent determine curriculum. Havighurst also suggested that the local community school board should have supplementary taxing powers and should be free to raise money locally or from foundations for special programs within their communities. Open enrollment, school pairing, changed attendance patterns, [magnet] school complexes and parks could then all take place in the context of the entire metropolitan area rather than the city or individual suburb.[7]

While a plan such as that described above is most unlikely in such cities as Chicago or Detroit, there are examples of fairly large cities which have, through normal political processes, achieved essentially metropolitan systems of government that include schools as well as other governing functions. Most of these are situations in which the city and county merged to form a single governing body which encompasses a major proportion of the metropolitan area. Examples that come readily to mind are Nashville-Davidson County, Tennessee; Charlotte-Mecklenburg, North Carolina; Tampa-Hillsborough, Jacksonville-Duval, and Miami-Dade Counties in Florida, and Indianapolis-Marion County, Indiana. While the Indianapolis case is still involved in litigation, most of these systems have effectively desegregated their schools (as a result of court orders), with minimal loss of white students or families. Unfortunately, this very fact may make it extremely difficult to implement such city-county mergers in other settings, especially those in which the central city has a substantial minority population while the county or other potential merger units have small minority populations. This is one example of a missed opportunity. The proponents of metropolitan government had much greater opportunities for successfully implementing such programs before the fear of racial and economic integration reached its present level which approaches paranoia. The current polarization of central city and suburban residents has such strong racial motivation that mergers are virtually impossible in the near future.

Yet, it is clear, as civil rights attorney William Taylor points out, that "substantial integration can be accomplished in many places only if the area covered is larger than the city itself. If, on the other hand, the responsibility to integrate schools ends at the city line, *Brown* vs. *Board of Education* in its most immediate application, may become an anachronism."[8]

The crucial legal issues involved in desegregation cases that have metropolitan implication are: state responsibility for public education; the containment of black people in the central city by policies of housing discrimination; and the lack of justification for maintaining separate districts in a single metropolitan community where such districting has resulted in segregated schools. Taylor contends that logistic problems involving transportation of children are not only manageable, but in some instances may require less transportation than within district desegregation. He also argues that metropolitan desegregation, if accompanied by decentralization, need not lower opportunities for community participation.[9] However, since recent court rulings seem to permit an interdistrict remedy only where the racially discriminatory acts of one or more school districts or a state education agency caused racial segregation in adjacent districts or where district lines have been deliberately drawn on the basis of race, most districts appear to be exempt from court ordered interdistrict desegregation plans. Wilmington, Delaware, is the most recent exception.

Even opponents of desegregation of schools accept the notion that the real issue is segregated housing. There are a few developments in the housing area which may result in gradually increasing the proportion of low income and minority persons residing in the suburbs in the next decade. The Housing and Community Development Act of 1974 gives strong encouragement to development of mixed income housing. Under Section 8 of this program, a family receives a certificate of family participation from the local housing authority and then finds its own dwelling unit in the open market. Last summer (1976), Chicago newspapers reported that plaintiffs in the marathon Chicago public housing litigation and representatives of the federal Department of Housing and Urban Development announced a one-year, experimental program to place 400 poor families in subsidized housing in the six-county metropolitan area. The movement will be into existing housing, for the most part in the suburbs. There has also been strong action by private agencies such as the Leadership Council for Metropolitan Open Communities to enforce open housing regulations. This organization estimates that there has been a 40 percent increase in Chicago's suburban black population during the last five years: "there has been some progress, but it has been very slow."[10] However, increases in suburban residence have not been evenly distributed throughout the metropolitan area. There is a pattern of racial clustering which suggests that eventually resegregation may occur in the suburbs if care is not taken to avoid such clustering in future desegregation efforts.

The court actions, federal programs, and voluntary efforts in the housing area will affect only a small proportion of metropolitan area residents or school children. However, there is still much that can be done through voluntary actions of concerned political and educational leaders in the cities and suburbs. What can be gained through interdistrict cooperation? In addition to increasing racial and ethnic contact and reducing minority isolation, other advantages involve educational programs and facilities. In many places a metropolitan approach involving interdistrict cooperation would make possible economies of scale that would facilitate the development of specialized programs that are now too costly for smaller districts. These include the development of special schools and programs for the gifted and handicapped, improved capabilities for teacher training, and the wider use of television and computers as instructional tools. In situations where suburban districts have declining enrollments and are faced with the necessity to close schools as well as loss of state funds, interdistrict pupil transfer plans could work to the advantage of both the central city and the suburbs. Facilities would no longer be underutilized, and the additional pupils plus possible special allocations from state and federal sources would increase revenues. For the central city, the gain would be in possible reduction of overcrowding, and improving the racial, ethnic and social class integration of the student population. For both the suburban and the inner-city children, there would be a reduction in racial, ethnic, and class isolation.

Opportunities for voluntary interdistrict pupil transfer programs are abundant where local leadership and political developments are favorable. Examples of such programs include part-time plans such as Chicago's Project Wingspread[11] and fulltime programs such as Boston's METCO, Rochester's interdistrict transfer program, Project US, and Hartford's Project Concern.[12] According to a recent report of the U.S. Commission on Civil Rights, "... the results have been uniformly positive."[13]

The types of interdistrict cooperation described here represent only the barest sketch of possibilities. I have focused largely on those that would affect racial and ethnic desegregation, because that is one of the most pressing problems facing many large cities. There is much opposition to efforts to introduce metropolitan government and to efforts to develop metropolitan agencies that can act in lieu of government. The resistance includes fear of being inundated with the problems of the central city, the loss of local autonomy, and plain and simple racism. In addition, many black political leaders oppose metropolitan dispersal strategies because they fear a loss of political power. Such a development, they argue, would dilute black voting strength and make it difficult for blacks to elect representatives to local, state, and federal governing bodies. There is also concern that such schemes siphon off the most highly motivated and gifted youngsters, thereby depriving remaining inner-city children of positive models. Similar issues are raised in the economic and political arenas. It is argued that middle-class blacks or other minorities would be most likely to take advantage of opportunities for suburban housing; again there is concern about the process stripping the inner-city of talent and economic resources. In other words, dispersal programs tend to work against redevelopment of inner-city institutions.

Some black parents and educators are also concerned about the impact of interdistrict transfer plans on the attitudes and self-images of minority children, especially when these plans call for one-way busing of children from the central city to the suburbs. They argue that there is an implied racism in a strategy that seems to focus on changing minority children so that they become more like whites. For persons who share these concerns, metropolitan plans raise the specter of the elimination of minority group culture. For blacks and other minorities, the danger is that dispersal through interdistrict transfer programs may result in cultural homogenization. If the cultural integrity of such groups is to be maintained, more pluralistic approaches will have to be attempted. There is a need to seek solutions that will provide opportunities for all students to acquire the knowledge and technical skills needed to survive in an urbanized technological society without having to become alienated from their social heritage.

Implications

Whether court-ordered or voluntary, the implications of metropolitan desegregation plans cannot be determined without taking into consideration the historical socioeconomic and demographic trends that have emerged during the last 20 years. While each metropolis is unique, there are some trends that apply to regions. For example, the movement of industries and populations to the south and southwest have important implications for midwestern and northwestern metropolitan areas. In Chicago, for example, there has been a pattern over the past 20 years of population and industry moving out of the central city into the five ring counties. In the '70's, however, the suburban ring is beginning to lose population and industry—very probably to the south and southwest. Chicago business, political and educational policy-makers hope to convince their suburban counterparts that the whole SMSA is in trouble and that only by judicious cooperation and planning can the suburbs avoid a fate similar to that of the central city—i.e., declining tax base and gradual deterioration. If by some miracle metropolitan desegregation comes to the Chicago area, it will be necessary to try to determine if population movement or loss of industry is a response to desegregation or simply a continuation of a trend that has been developing for a long time.

On the other hand, in SMSAs including very populous areas such as Tampa, metropolitan desegregation can take place while all of the socioeconomic indicators continue to rise. In other words, researchers and policy-makers must be extremely cautious in interpreting data on the relationship between desegregation and the socioeconomic characteristics of an SMSA. The other forces operating in the area may have a more powerful impact than what happens to the schools.

There do not appear to be any sound bases for assuming that court ordered interdistrict desegregation plans would have an adverse effect on the socioeconomic characteristics of a metropolitan area. The evidence seems to point in the opposite direction; metropolitan districts seem to be more stable and less subject to major population shifts than central city districts surrounded by segregated suburbs.[14]

The major obstacles to metropolitan desegregation appear to be political rather than economic or educational. There are readily apparent economic and educational advantages to be obtained through interdistrict cooperation. Some of these have been described in this paper. However, the opportunity to develop programs that capitalize on the advantages will not be realized as long as suburban communities perceive their problems to be divorced from those of the central cities. In this climate, it is only through court ordered metropolitan desegregation plans, or state or federally funded proposals to provide financial incentives for voluntary efforts that cities and suburbs can be brought together for joint consideration of the problems that affect the whole metropolitan area.

FOOTNOTES

[1] Melvin B. Mogulof, "Federally Encouraged Multi-jurisdictional Agencies," *Urban Affairs Quarterly* 9 (September 1973) 113-32.

[2] Joseph M. Cronin, "City School Desegregation and the Creative Uses of Enrollment Decline," *Integrateducation* 15 (January-February 1977) 10-12.

[3] Ibid., p. 11.

[4] Robert J. Havighurst and Daniel U. Levine, *Education in Metropolitan Areas*, Second Edition (Boston: Allyn and Bacon, 1971), p. 372.

[5] Ibid., pp. 312-13.

[6] Ibid., p. 313.

[7] Cited in Harry L. Miller and Roger R. Woock, *Social Foundations of Urban Education* (Hinsdale, Illinois: The Dryden Press, 1970), p. 341.

[8] William L. Taylor, "Metropolitan Approaches to Desegregation," *Integrateducation* 13 (May-June 1975) 131.

[9] Ibid., pp. 132-33.

[10] Harry N. Gottlieb, "The Ultimate Solution: Desegregation," *School Review* 94 (May 1976) 472.

[11] Lloyd J. Mendelson and John Bristol, "Project *Wingspread:* The Chicago Area City-Suburban Exchange Program," in Daniel U. Levine (ed.) *Models for Integrated Education* (Worthington, Ohio: Charles A. Jones Publishing Company, 1971), pp. 98-108.

[12] Cited in Cronin, "City School Desegregation . . .", p. 11.

[13] U.S. Commission on Civil Rights, *Statement on Metropolitan School Desegregation* (Washington, D.C., February, 1977), p. 60.

[14] Robert L. Green and Thomas F. Pettigrew, "Public School Desegregation and White Flight: A Reply to Professor Coleman," in *School Desegregation: The Courts and Suburban Migration* (Report of a Consultation sponsored by the U.S. Commission on Civil Rights, Washington, D.C.-December 8, 1975), p. 170.

Discussion of Papers Presented by Karl Taeuber and Edgar Epps

by Marshall S. Smith

Some ten years ago Tom Pettigrew and I had a debate with Joseph Alsop in the pages of *The New Republic*. We were arguing about the feasibility of desegregating some of our Nation's largest school districts. At that time and now I believe we were right—with immediate action and financial incentives many of the major cities and metropolitan areas in the North then could have been feasibly desegregated. Now ten years later we are discussing the same topic—but the data are different and the situation exacerbated.

In 1967 we made the point that the progress of school desegregation may be less a function of educational policies than a function of housing and job policies. To housing and employment policies I would add now energy, transportation and income maintenance policies. Over the next few years, major national policies in each of these areas will be made—we must actively consider the impact on the desegregation of schools in the formulation of these policies. *Without* this consideration, school desegregation will continue to progress at the whim of these larger social forces and movements which influence the social and economic composition of our cities. This is not to say that educational policies cannot have a major effect. But it seems clear from the way that courts are considering data on one manifestation of essentially non-school policies—the issue of white flight—that the arena is larger than the schools. Although I have not seen the decision, my understanding is that the courts in San Diego have just ruled that future white flight is a relevant risk to be taken into consideration in a school desegregation plan. Perhaps we will hear more about the San Diego decision later in the day.

At the risk of over simplifying, let me summarize a few of the major conclusions of the two main speakers. Regarding educational policies Dr. Epps pointed to some encouraging and discouraging signs. First, taken as a whole, voluntary desegregation plans are not working very well. There are exceptions, of course, with Boston's METCO plan and Hartford standing out in the area of metropolitanism.

Second, Dr. Epps pointed to the increasing role of states, particularly Illinois and Wisconsin, in offering aid and assistance to desegregating cities. In addition he argued for an increasing role of the states in the provision of incentives to metropolitan areas to carry out systematic planning. On a less positive note he also pointed to the problems of metropolitan co-operation.

Third, he encouraged us to consider the declining enrollment "problem" as an opportunity. In particular he argued the potential for magnet school plans which capitalize on the existing facilities in the cities and suburbs.

Dr. Taeuber pointed to the changing demographic patterns. It seems clear that existing patterns of movement of the blacks and whites are not going to solve the desegregation issue. In fact they may increase the problem since much of the black out-migration is to specific suburbs.

Moreover, as Dr. Epps pointed out, much of the black out-migration may aggravate the social-economic imbalance since it is the more affluent blacks who are moving to the suburbs.

Finally, both speakers spoke of the variations among cities and metropolitan areas indicating the need for tailor-made policies at the local, metropolitan and state levels.

In general it seems clear that Dr. Taeuber's remarks indicate the importance of the coordination of social policies around the issue of school desegregation.

Taking our eyes off of the specific goal of desegregating schools suggests another possible avenue. If we consider that many of our desegregation policies encourage the beliefs that suburban schools are superior to city schools we can see that some existing policies may be counter-productive to eventual desegregation. It seems a reasonable goal then to focus substantial resources on creating the best possible schools we can in our cities. By creating a balance in the quality of the schools between the cities and the suburbs we might in the long run do more for desegregation than we could through more directed desegregation policies.

In summary this suggests that our task is three tiered. At the national level the effect on school desegregation of energy, housing, transportation and employment policies must be considered. At the state and national levels incentives for metropolitan planning should be encouraged. At all levels great attention must be paid to upgrading the schools in the cities. More will be said throughout the conference in each of these categories.

It seems clear to me, however, that we must go all out on all of these tasks over the next few years. Unless we take advantage now of the changing conditions that Dr. Epps and Dr. Taeuber pointed out, I fear that I will, in 1987, be in the same position that I am now—looking back to ten years of lost opportunities.

ED148933

Schools, Housing, Jobs, Transportation: Interlocking Metropolitan Problems

by William G. Colman

It is the purpose of this paper to (1) explore the interlocking relationships among income, health, education, employment, and crime in the nation's metropolitan areas within the context of recent and current trends in housing, transportation, and urban growth policy; (2) assess the central role of inner city schools in these phenomena; and (3) examine alternative metropolitan strategies for central city investment or disinvestment. This set of questions is at the heart of what has been termed the "urban crisis" or the "problem of the cities" as the pendulums of public opinion and national policy emphasis have swung back and forth over the past decade and a half.

Indissoluble Linkage Among Income, Health, Education, Employment, and Crime

A crucial factor in the socio-economic viability of inner cities is the *interlocking* of the variables of income, race, crime incidence, educational achievement, and employment. *If the decline of many central cities is to be halted, this linkage must be broken at one or more points.* It is widely agreed that, irrespective of race, poor health or low income coupled with consistent failure in school, in looking for work, and in obtaining promotions leads to despair, loss of willingness to keep trying, and isolation from the larger society. Once the individual is isolated, societal ideals no longer hold, and antisocial behavior is likely to result.

Until neighborhood security is restored, until inner city schools are as good in quality as suburban schools, and until employment opportunity is provided and taken advantage of, most residents who are able will continue to desert the central city for suburban environments that are safer and that have good schools. To break the crime-income-race connection will require dedication and money from all levels of government. Most of the will and much of the money will have to come from neighborhoods, localities, and state governments, with continual and perceptive leadership and strategically planned fiscal stimulation and investment from the federal government.

The Low Income-Health Relationship

Other papers prepared for this Conference have described the disparities in income between many central cities and their suburban areas and basic metropolitan income data or conclusions therefrom will not be repeated here, except to emphasize that the income disparities continue to grow and that a large part of the nation's poor are concentrated in our large central cities.

This concentration exacerbates the problem of assuring adequate health care in central city neighborhoods (and in low income rural areas as well), because it is well known and has been repeatedly documented that poor health care is especially prevalent among low income people. For example, a 1968 study by the Department of Health, Education, and Welfare that compared health characteristics of persons with family income under $5,000 with those of the total population showed 21 percent of the former to suffer a limitation of activity from chronic conditions compared to 11 percent of the latter. Respective

UD017645

percentages and numbers for some other characteristics were: carrying hospital insurance (59 and 80%); restricted activity days per person (24 and 15); and bed disability days (9 and 6).

Rising hospital and other medical costs, tendency of physicians to locate in more affluent areas, and increasing medical specialization continually worsen the accessibility of the urban poor to adequate health care. Even the future advent of some form of national health insurance to cover those not now helped by Medicaid or Medicare will not solve the accessibility problem. Expanded neighborhood health centers, broadened use of paraprofessionals, more health maintenance organizations (HMO's), and improved treatment and rehabilitation of drug addicts are further necessary ingredients.

The Nutrition/Health-Learning Ability Relationship

Also well known and documented is the fact that poor health interferes substantially with both education and employment. For example, a report by the Senate Select Committee on Nutrition and Human Needs has underlined the interrelationship among malnutrition, low birth weight, and mental retardation. Twice as many low weight births occur in low income families; these same families account for three-fourths or more of all mentally defective children in the country.

As nutrition and health are directly related to income on the one hand and educational achievement on the other, so is income related to achievement. In fact, median family income is about the only input variable that has been found to correlate highly and consistently with achievement test scores.

The President's Commission on School Finance in its 1972 report included among the requisites for equality of educational opportunity measures to insure that children are not handicapped in their ability to gain knowledge, such as: (a) hot breakfast and lunch available to all elementary and secondary children, and at no cost to those from low income families; (b) periodic physical examinations available to all children and remedial visual, auditory, and dental care or disease treatment at no cost to those from low income families; and (c) clothing allowances for elementary children from low income families.[1]

School Drop-Outs and Employment Barriers

The linkage between educational achievement and employment opportunity is obvious; yet most inner city schools fail rather consistently in qualifying students for entry-level jobs. The Committee for Economic Development opened a 1971 report on urban education with this statement:

> "While the American schools have generally provided middle- and upper-income youth with the intellectual tools necessary for success in our society, they have commonly failed to cope effectively with the task of educating the disadvantaged youth in our urban centers. To an alarming extent they have simply swept disadvantaged youth under the educational rug. In the past there have always been large numbers of unskilled jobs for the functionally illiterate. But as technology absorbs the tasks of unskilled workers, the chasm between the poor with inadequate schooling and the remainder of society is widening at a rapid rate. Even where unskilled jobs remain, they are frequently inaccessible to the poor of our central cities." 2

Unemployment-Deliquency-Crime

If a teen-age school drop-out cannot find useful employment, societal alienation, delinquency, and crime as a way of life are often the inexorable consequences. The FBI annual crime reports consistently show that a high proportion of violent crimes are committed by young people (26 percent of all arrests in 1966-71 were under 20; 54 percent were under 25). Although suburban areas have been showing somewhat greater increases in violent crime over the past two to three years, the rate for violent crime in 1975 was four times as high in central cities; nearly four times as high for murder; seven times as high for robbery.

In summary, social, fiscal, and economic disparities between central cities and suburban areas continue to widen, with a growing proportion of inner city, preschool, school-age, and young adult populations seemingly consigned to a vicious circle of low income, poor health, deficient education, high unemployment, and antisocial behavior. This inner city population of young people in most major metropolitan areas is increasingly non-white or from non-English speaking families. As many have reported, over the past two decades, many central cities of the nation are beset with a social disaster of immense proportions, embracing a whole generation already, and with no substantial turn of the tide yet in sight. Of the social and economic linkages examined here, it is clear that employment and education are central, with the latter being essential to, but not necessarily guaranteeing access to the former. If no jobs exist, the enhancement of educational opportunity is of little avail.

Essential Elements in and Current Barriers to Metropolitan Employment

In addition to functional literacy and varying degrees of additional educational preparation, job opportunity depends upon the existence of jobs and access to them either by walking to work or by some other means of private or public transportation. Housing priced to fit a range of incomes and moderately proximate to employment centers and to public transportation is a final essential element of a healthy economy and labor market in the current configuration of most metropolitan areas. However, all of these essential elements are increasingly lacking for the low income segment in the metropolitan American of the late Seventies.

The Continuing Business Exodus to Suburbia

Other papers have shown the dimensions of the shift in population concentrations from central cities to surrounding areas. But where the people have gone, the jobs have gone also. Some of the shift in economic activity has been to provide services to suburban residential populations. However, for an increasing number of trade and industrial classifications, suburbia has turned out to be the most economically desirable location *for the center* of business operations in the metropolitan area.

The census of manufacturers and of business and trade each five years (the 1977 count is now underway) show the striking changes in the focii of metropolitan area private sector employment.

In Table 1 below are some contrasting trends for declining and growing central cities.

Going back to earlier year comparisons, for manufacturing employment, Akron dropped from 76 percent of SMSA employment in 1939 to 61 in 1967; Cleveland from 85 to 56; New York from 94 to 78; Baltimore from 70 to 51; St. Louis from 66 to 32, and on down to 29 in 1972.

The increasing economic dominance of suburbia is seen even more clearly in an examination of work place and residence data from the 1970 census of population. (Fortunately, these and other population, income, and housing data will become available every five years, starting in 1980.) Of large SMSA's (work force of 500,00 or more in 1970), 45 percent of the work force lived in the central city and 55 percent outside. But of those living outside the central city only 30 percent worked in the city, with 56 percent working in suburbs and 13 percent outside the SMSA. Contrastingly, of those living in the city, 15 percent worked in suburbia. Thirty-nine percent of Atlanta's suburbanites worked in the city; 29 in Baltimore; 23 in Boston; 24 in Chicago; 22 in Detroit; 12 in Newark; 19 in Philadelphia; 26 in San Francisco; and 30 in Washington, D.C. It is unlikely that by 1980 in many or most large SMSA's the volume of incoming suburban commuters will be more than matched by those city residents commuting to work in the suburbs. The percentage lines had crossed by 1970 in several large cities, including Miami (37 percent going out and 28 coming in); Detroit (with 30 and 22); and Cleveland (with 60 and 40).[3]

These data mean that the stereotypes of the inner city as the center of business activity and suburbs as bedroom communities to house the city's daytime population have become invalid in many places, rendering illogical the concept of a commuter income tax imposed by the central city. (However, there are several good fiscal reasons why a statewide tax base should provide greater support to inner city services and why regional taxes should be used to support regional services.)

Continued CBD Orientation of SMSA Public Transportation

As the foregoing data predict, future job opportunities for inner city youth are likely to exist to a

Table 1

Central City Industrial Employment as Percent of SMSA
1967-1972

	Retail Trade		Selected Services	
	1967	1972	1967	1972
Akron	54	44	65	58
Atlanta	63	48	77	68
Baltimore	54	43	69	56
Boston	34	27	52	46
Chicago	56	45	73	64
Cleveland	45	36	66	60
Detroit	38	27	60	46
Milwaukee	61	50	72	65
Minneapolis	57	44	77	62
Philadelphia	44	37	62	52
St. Louis	37	27	59	48
San Francisco	66	54	77	68
Wilmington	31	20	50	39
On the other hand:				
Austin (Tex.)	98	89	99	82
Honolulu	84	79	93	87
Houston	77	72	86	81
Kansas City (Mo.)	57	50	75	69
Tucson	93	89	90	86

Source: Census Bureau, area statistics series (preliminary), 1972 censuses of retail trade and selected service industries.

greater degree in widely scattered suburban employment centers than in the central city itself. Yet the mass transit systems in place are geared to move large numbers of people from the urban fringe to concentrated locations in the central city; much current urban transportation planning for new systems is similarly oriented despite the drastic changes taking place in origins and destinations of journeys to work.

Fixed rail and large buses are largely irrelevant to transportation needs in low density areas, and consequently the proportion of suburban residents using public transportation to employment locations in suburbia is, and will likely remain, substantially lower than for trips to the CBD.

Consequently, the low income city resident is greatly handicapped in getting to work if the employment site is in a low density area. Travel by automobile is practically the only option left, yet this poses serious questions of cost and congestion. Moving to homes more accessible to places of employment would appear to be the best solution, but there are substantial barriers to that option also.

Lack of Housing Opportunity in Suburbia for Low Income People

Throughout the mass population exodus to suburbia in the late Forties and accelerating through the Fifties and Sixties, central city residents of low income, especially non-whites, have encountered legal, economic, and social barriers to buying or renting housing in suburban communities. These barriers stem from a variety of neighborhood and governmental motivations:

- Growing cost of all housing; regardless of geographic location, the land, material, labor, tax, and utility service components have inflated considerably over this period and continue to do so.
- To protect property values, and to enhance the local property tax base local governments have adopted laws and policies to exclude or limit severely the use of mobile homes, houses with low space dimensions or located on small lots, and multi-family projects in general.
- Neighborhoods, in a desire to exclude for social or racial reasons, bring pressures upon the local governments to deny rezonings or other approvals sought by sponsors of low income housing.
- Local governments, in endeavoring to keep budgets balanced, are reluctant to see housing constructed in the community that is likely to require more in the way of services than it will yield in taxes, and place additional restrictions on both moderate and low income housing such as limitations on the number of bedrooms.
- Because of environmental considerations and outright selfishness, neighborhoods bring pressure upon local government to slow or stop population growth in the area (the "last man in" syndrome).

"Open housing" as such has become nearly but not quite an academic question in most localities; many statutes are on the books at all levels of government, and many instances of racial discrimination are challenged successfully. The key difficulty is economic discrimination of the kinds listed above that have social concerns as part of the motivating force (subsidized housing and crime incidence; income levels and school quality). Some of these concerns are genuine and valid but can be heightened and embittered by racial intolerance.

In summary, inner city youth are not only increasingly disadvantaged through inadequate educational preparation for work, but are finding job opportunities non-existent or very scarce because of the continuing shift of industrial and commercial activity to the suburbs. Inner city job seekers who try to follow the jobs are thwarted by highly inadequate public transportation to dispersed job locations. If they try to move to the suburbs so as to be near possible jobs, local government housing policies of varying degrees of economic and social exclusion stand in the way. How to match inner city unemployed with job openings is the key question—getting jobs back to where the need for work is greatest or getting people to where the jobs have gone.

Alternate Metropolitan Strategies: Central City Revitalization

In general, the economic, fiscal, and social indicators for central city portions of metropolitan areas are not favorable. First, there is rather general spreading out of population, settlement density, and employment in SMSA's throughout the country; suburbia is becoming ever more independent economically and socially. Second, central cities, especially in the Northeast, but to a substantial extent in the West and South, are facing growing economic and fiscal difficulties.* Third, many inner city schools are suffering such a decline in student achievement, increasing racial imbalance, and worsening physical security that it may be a generation or more until they re-approach their suburban counterparts in quality.

If the socio-economic tides running so strongly are to be reversed and both jobs and families are to be attracted back to the central city in large numbers, then many public policies will have to be changed and others initiated. Necessary ingredients for central city revitalization include: (1) reorganized urban land use; (2) financial incentives for industrial location or expansion; (3) reduced automobile and truck congestion; (4) neighborhood stability and security; (5) high quality schools; and (6) most difficult of all, a political majority in state legislatures and the Congress.

Reorganized Urban Land Use

An effective, efficient, and equitable process of land clearance and reconstruction to accommodate new uses and establishments is a requisite for downtown renewal. Too often urban renewal projects in central business districts and other city areas have been characterized by long delays, red tape, litigation, and continual controversy. Often privately financed renewal is held up by lack of power and speed in land assembly, but to marry private finance and public powers of eminent domain without a host of safeguards concerning environmental impact, minimum wage, citizen participation, etc. is politically impossible. A public development corporation could be used with powers along the lines of New York State's Urban Development Corporation working alongside but not in competition with private development and developers of the kinds undertaken successfully in Rosslyn, Virginia, Peachtree Center in Atlanta, and Houston Center in Texas. However, political opposition to a strong public development corporation is also usually intense.

Financial Incentives for Industrial Location and Expansion

If the conditions of pervasive and persistent high unemployment among urban youth and young adults are to be ameliorated in a substantial way, new employment opportunity in the private sector must be opened up. Public service employment can serve only as a temporary palliative. New private sector jobs arise from private investment in new or expanded plant; nationally these expenditures are in the scores of billions annually. Financial incentives offered by government to influence the location of such new plant can include the following, all confined to new or expanded locations in neighborhoods or communities of high and persistent unemployment:

- A credit against federal or state corporate income taxes for a specified period (e.g. 2-5 years) and figured on (a) investment in new plant and equipment, (b) amount of new payroll or (c) value added to product. (Model state legislation "Urban Employment Tax Incentives" is carried in the legislative programs published by the Council of State Governments and the Advisory Commission on Intergovernmental Relations).[4]
- State or local subsidization of loans at below money market rates to labor intensive firms for location or expansion in low income city neighborhoods or use of tax exempt industrial development bonds for this purpose (latter mechanism applicable only to small firms because of Congressional limitation of tax exemption to issues of $5 million or less).
- Federal or state subsidization of training and part of first year wage costs of private employment of urban youth (e.g. age 16

---

*A detailed analysis of the relative economic and fiscal distress is outside the scope of this paper. *Cities in Trouble* (David T. Stanley, National Academy for Contemporary Problems, 1976) contains several rankings. Cities in greatest hardship relative to balance of SMSA (by Richard Nathan and Charles Adams): Newark, Cleveland, Hartford, Baltimore, Chicago, Atlanta, St. Louis, Rochester, Gary, Dayton. Craig and Coleda, National Planning Association "declining and vulnerable" cities: New York, Chicago, Philadelphia, Detroit, Baltimore, Cleveland, St. Louis, Pittsburgh, Buffalo, Cincinnati, Newark. "Most troubled cities" (Stanley): New York, Buffalo, Detroit, Newark, St. Louis, Boston, Cleveland, Philadelphia.

to 24) in city areas of continued and high unemployment (such an arrangement helps offset lack of vocational preparation as well as overcoming deterrent effect of minimum wage laws on hiring of inexperienced teenagers).

Reduced Auto and Truck Congestion on City Streets

One of the major reasons for industrial migration to suburbia has been to escape intolerable transportation congestion—street bottlenecks and unavailability of parking at less than exorbitant rates. Such congestion has motivated shoppers toward suburban stores and has been one of the factors for movement of families with children to quieter suburban neighborhoods. Palliatives are numerous but fundamental solutions to this problem are not apparent:

- Use of people movers (e.g. "skyways" and moving sidewalks) in the CBD
- Combinations of shuttle buses and satellite parking
- Re-routing of truck traffic away from downtown during rush hours.

Neighborhood Stability and Security

The downtown center of a city can be restored and revitalized physically and economically through urban renewal—public or private— and a combination of other development financing mechanisms. But a heterogeneous residential population cannot be maintained without safe and stable residential neighborhoods. If these are not maintained, middle and higher income people—regardless of race—will flee to the suburbs as they have been doing for the past quarter-century and as they continue to do.

Among the many factors involved in neighborhood stability, five are crucial—physical security, housing maintenance, good schools, neighborhood pride and *esprit de corps*, and stable racial composition. Among the measures, extant and potential, for maintenance or restoration of neighborhood stability, are the following:

- An active police community relations program augmented by block associations and other citizen volunteer efforts organized and conducted in cooperation with the police department.
- Controlled ingress and egress to crime-threatened neighborhoods through checkpoint procedures maintained by or under the supervision of police personnel.
- Attention to principles of "defensible space" in the design or renovation of housing and other structures.
- Selective housing code enforcement designed to arrest blight upon its first appearance, accompanied by strong and persistent legal action against absentee landlords.
- Urban homesteading, tax, loan, and other incentives for housing maintenance.
- State legislative action to modernize foreclosure and tax seizure laws to enable prompt possession and resale of distressed properties so as to minimize number of abandoned buildings.
- State and municipal legislative action to enable and encourage neighborhood self-help action and other civic activities, including informal or formal neighborhood government where citizens desire it.
- Educational efforts accompanied by informal quotas and other means to maintain a gradual pace in any change in racial composition—applicable mainly to integrating neighborhoods, but equally important in blocks or areas being "restored" through return of white residents to all-black areas.

Many studies have demonstrated the importance of racial composition in neighborhood stabilization. Two factors signal economic trouble: a rapid change in racial composition and a rise in black population above some kind of "tipping point," often estimated in neighborhoods and school systems to be between 20 and 35 percent. Seemingly, it often becomes hopeless to keep a white neighborhood stable after the tipping point has been passed. (Ironically, an "integrated neighborhood" is often regarded technically as that which exists between the entry of the first blacks and the departure of the last whites.) After the neighborhood becomes largely or completely black, and after the process of house value depreciation has run its course, it is often possible for the neighborhood to regain economic stability—often at a lower income level, with the differential being more or less commensurate with the degree of disparity still existing in the metropolitan area between white and black income.

High Quality Schools

Until central city schools become as good as, or somewhat better than, suburban schools, few middle and higher income families with school-age children will remain in the city, particularly if the public school servicing their neighborhood is attended by children who are all or mostly from low income families. Since income of parent is the major predictor of school achievement, this is just another way of saying that until inner city school populations represent a mix of incomes they cannot hope to compare favorably with suburban schools. Even so, however, to the extent that they are staffed by effective and dedicated teachers and it becomes known that the quality of instruction and the learning environment in these schools are especially good, people with school-age children may not move out of the cities so quickly.

Undoubtedly the public school is a major, if not the dominant factor, in restoring a socio-economic balance in central cities. One reed upon which some central city neighborhoods currently lean is the parochial school. A high degree of solidarity in white Catholic neighborhoods sometimes is attributed to the fact that by sending their children to Catholic schools, the parents avoid one of the major factors forcing otherwise unprejudiced families out of changing or mixed neighborhoods. Most parochial schools in inner cities have become integrated, some have majorities of non-white students, and most evidence seems to indicate that they exercise a stabilizing force in the community.

A variety of changes are necessary if city schools are to do an adequate job of qualifying young people for entry-level employment and if they are to become a force for neighborhood stabilization rather than destabilization. Some of these actions involve infusions of money; others are non-fiscal, involving changes in public and educational policy, emphasis, and practice:

- School security measures to ensure an environment in which learning can take place, including police stationed on or near schools where necessary, guards and monitors drawn from community and PTA volunteers, and the establishment of special schools or centers for disruptive students.
- Early childhood education and expansion of day care, including group pre-school participation for four and five-year olds from low income families, inclusion of educational components in day care programs; parent education programs for low income families running from birth through age three.
- Bilingual and special education programs to serve all educable children.
- State assumption of substantially all non-federal K-12 education costs.
- Providing minimum food and health services as mentioned earlier.
- Getting the best teachers into the worst schools through "combat pay" and other incentives.
- Overhauling the bloated, mediocre vocational education apparatus that characterizes many state and local public school systems, including thoroughgoing revisions in course content and installation of job placement services in high schools.
- Strengthened school-community relationships, including availability of school buildings and facilities after school hours for community and local government use on a year-round basis; expanded use of volunteers drawn from the community; strengthened ties between city hall and boards of education; cessation of racial balance busing, once *de jure* gerrymandered school segregation has been eliminated in the particular city, county or district school system.

A major barrier to effective school-community relationships and school accountability to the community is raised in the process of court-ordered busing to achieve a relatively uniform racial composition throughout a city school system. When the busing of students was first ordered in southern cities to break down long-standing school service attendance boundaries drawn to preserve segregated schools, not many voices of protest were raised outside the South. The action seemed to be a necessary step in redressing the wrongs committed earlier by state and local governments in enforcing a separation of the races in the public schools.

The issue of whether school busing to achieve racial balance is educationally productive or counterproductive continues to be disputed, although it is increasingly clear that busing to achieve racial integration is making inner city public education a non-white enterprise and having a devastating impact on the central city economic structure. The effects of busing upon the racial composition of public school populations are unmistakable.[5]

The experience in city after city where widespread busing programs have been initiated has shown that a decline in white enrollment with some resurgence later, but not to the prebusing level, is usually to be expected. And where an arithmetical ratio is a court-ordered objective, busing distances tend to increase as white families move toward the edges of the central city but remain within the busing zone. Recent enrollment data shown in Table 2 show the extent of white flight from the public schools of the nation's major cities; white school enrollment lags behind the white proportion of city population by 10 to 20 percentage points.

Table 2

Racial Trends in School Enrollment and Central City Population for Selected City Districts 1970, 1972, and 1974

	Public School Enrollment Percent Black			Central City Population Percent Black	
City	1968	1972	1974	1960	1970
New York	31.5	36.0	36.6	14.0	21.2
Los Angeles	22.6	25.2	24.7	12.2	16.5
Chicago	52.9	56.9	58.4	22.9	32.7
Philadelphia	58.8	61.4	61.7	26.4	33.6
Detroit	59.2	67.6	71.5	28.9	43.7
Houston	33.3	39.4	42.0	22.9	25.7
Baltimore	65.1	69.3	70.0	34.7	46.4
Dallas	30.8	38.6	42.6	19.0	24.9
Cleveland	55.9	57.6	57.4	28.6	38.3
Washington, D.C.	93.5	95.5	95.5	53.9	71.1
Memphis	53.6	57.8	69.9	37.0	38.9
Milwaukee	23.9	29.6	33.0	8.4	14.7
St. Louis	63.5	68.8	70.0	28.6	40.9
New Orleans	67.1	74.6	79.0	37.2	45.0
Boston	27.1	33.1	37.0	9.1	16.3
Atlanta	61.2	77.1	84.5	38.3	51.3
San Francisco	27.5	30.6	33.0	10.0	13.4
Pittsburgh	39.2	41.8	43.0	16.7	20.2
Oakland	55.2	60.2	62.8	22.8	34.5
Buffalo	36.6	41.3	43.3	13.3	20.4

Source: Population data from U.S. Census reports; enrollment data from staff compilation, Council of Great City Schools, Washington, D.C.

It is becoming increasingly apparent that an already overburdened school system, required to be too many things for and to too many people, is being called upon to become the major instrument to change housing and population settlement patterns. Schools should be serving as one of the focal points for neighborhood interest and activity and thus constitute a major force for community stability and improvement. Instead, they are being cut off from the neighborhoods in the interests of a "right" racial statistical mix on a district or citywide basis. During the Sixties busing advocates pointed to research results that tended to show that achievement on the part of minority students might be higher in a heterogeneous racial student body, but even this finding has been challenged by a number of social science researchers.

Since extensive cross-city busing nearly always results in a decline of white enrollment in central city schools, many wonder if, rather than being given equal protection of the laws through racial busing, minority children are not being set back even further. The destruction of school-community relationships certainly outweighs any statistical gains achieved from the redrawing of school attendance boundaries.

Fortunately, the high-water mark in statistically mandated transfer of students for racial balance purposes appears to have passed. The recent decision of the U.S. Supreme Court in the Pasadena school integration case, coupled with the requirement for racial discriminatory intent in the District of Columbia police recruitment case, and the Arlington Heights, Illinois zoning case all point in the same direction.[6] Unfortunately, this return to judicial reason is much too late to save the large cities from the disastrous economic and social consequences of a school desegregation policy that did not stop with the dismantling of a dual school system and the prohibition of gerrymandering segregated attendance boundaries back into existence. Instead, this policy has mandated a continuous process of new "racial balance gerrymandering" and subsequent busing that has kept city school populations in a state of upheaval for over a decade.

In addition to the measures set forth above that would begin to change the course and quality of public education in the inner cities there is a need for targeted attention of the federal government upon the special needs of these school systems. The President's Commission on School Finance unanimously proposed in 1972:

> "The Commission recommends the initiation by the Federal government of an urban educational assistance program designed to provide emergency financial aid on a matching basis over a period of at least five years, to help large central city public and non-public schools finance such programs as: (a) development of experimental and demonstration projects on urban educational problems; (b) replacement or renovation of unsafe, unsanitary or antiquated school buildings and equipment; (c) addition of remedial, bilingual, and special teachers and professional personnel; (d) addition of teacher aides and other supporting personnel; and (e) provision of instructional materials and services. Grant funds should not be used to increase salary or wage rates of school personnel."7

How Find a Political Majority for Inner City Revitalization?

Can the necessary political support, either in the state capitols or on Capitol Hill, be found to support the kind of measures proposed above, targeted to the governmental jurisdictions that comprise the nation's largest cities? Not likely, unless rural areas and suburbs alike are included. Then some of the steps such as tax credits for industrial location lose their effect and the other parts of the package become prohibitively expensive. George Sternlieb of Rutgers observed in 1972: "The size of the constituency that lives outside the cities but still wants to preserve them at any cost grows smaller day by day." It's still true four years later.

Two observations on a more hopeful note might be made, however. First, one of the ingredients for revitalization, improved transportation, can find a majority because it benefits suburb and city alike. Second, if targeting is directed toward disadvantaged groups of people rather than disadvantaged places, political obstacles may lessen. A further examination of this approach will be undertaken below.

Alternate Metropolitan Strategies: Central City Depopulation and Disinvestment

Some inescapable conclusions emerge from an examination of economic trends, population settlement patterns and preferences, and the effects both good and ill, from a wide array of federal, state, and local programs directed toward socioeconomic betterment and urban development:

- Economic trends—both business and personal—continue to favor urban decentralization and further spreading out, but with some important exceptions, principally in the physical redevelopment of some central business districts and the location therein of large hotel, convention center, and office complexes, government buildings, financial institutions, and in-town luxury apartments.
- Preference for single family homes on large lots continues unabated despite a steep fall in the birth rate.
- Young families with children are heavily influenced in residential location by the quality of public and private education available.
- Any time there is a concentration of low income people in a housing development, neighborhood or city, there is economic and social trouble.

These conclusions may dictate a "people-oriented" instead of a "place-oriented" approach to metropolitan problems—how to assure employment opportunity for the urban poor, how to assure housing opportunity close to employment, how to provide efficient public transportation in low density areas, and how to make the economic, social, and political implications of such a policy both equitable and manageable.

Providing Employment Opportunity

- Financial incentives to private industry for training and employment of hard-to-employ youth and minorities of the kind described earlier but including transportation costs for central city unemployed hired by suburban employers.
- Alternatively, or in addition, subsidization of relocation costs for movement of family and effects to new employment location.

Metropolitan Housing Integration

Housing availability closely accessible to work is desirable under any approach to urban development and it becomes a key element if population movement toward employment centers is to be encouraged. Alternative regional arrangements for assuring equality of housing opportunity include:[8]

- Assumption, through state legislation, of increased zoning and other land use powers by county government, in contrast to small municipalities.
- Conferring, through statutory change, upon a new or existing metropolitan agency, power to establish and enforce regional growth guidelines, including, but not limited to, an inclusionary policy for a range of housing type, quality, and cost, within each local government jurisdiction comprising the metropolitan area.
- Creation of a state urban development corporation empowered to finance, construct or lease housing units for persons of low income and to acquire, hold, site-develop, and dispose of land for purposes of facilitating orderly urban development.
- Authorization through state legislation of extraterritorial leasing of individual housing units by city housing authorities.
- State planning agencies to make "impact" payments to local government jurisdictions providing specified proportions of low income housing, such payments designed to cover part of the increased cost of municipal services occasioned by such housing.
- Attachment of conditions and requirements to state aid to local governments for community facilities (e.g. water and sewer, library, public transportation, etc.) for inclusion of appropriate low income housing provisions.
- Establishment through state legislation of machinery for the allocation and effectuation of "regional fair shares" of low and moderate income housing among constituent units of local government within respective metropolitan areas and continued federal encouragement by the Department of Housing and Urban Development award of housing assistance "unit bonuses" to areas administering effective fair share programs.
- Continued prosecution through state courts of municipal responsibility under state con-

stitutions for helping meet regional housing needs (New Jersey, Pennsylvania, Florida, New York, and California courts have issued decisions along these lines).

- Vigorous federal enforcement of the letter and spirit of the eligibility requirements laid down in the Community Development Act of 1974 whereby local government jurisdictions must include appropriate provisions for low and moderate income housing in their application for community development block grant funds.
- Legislative and administrative steps needed to legitimatize the use of mobile homes in suburban jurisdictions, including use on separate lots as well as in parks, taxation as real estate rather than as vehicles, and a variety of associated regulatory measures for improved safety, buffering, and water and sewer utilities.

Restructured Transportation

As indicated earlier, most transportation systems and considerable current urban transportation planning is oriented to moving people from the fringe to the core despite the continued shift in journey to work patterns that will soon produce a majority flow in the other direction. The suburban fringe is generally badly deficient in transportation service among suburban neighborhoods and employment centers. Among the steps needed in this connection are:

- Increased use of small buses and of paratransit vehicles–jitneys, vans, and taxicabs.
- Administrative change in state transportation franchise and rate regulation that recognizes, instead of suppresses, use of paratransit, including fixed route taxicab service, dial-a-ride, etc.
- State legislation or transportation regulatory action to enable employers to provide transportation of employees to work through company-provided vans and other arrangements.

Making Disinvestment Losses Manageable

The major losses involved in a disinvestment and depopulation strategy would be in city residential property outside the CBD and in areas very close to it, extending to the areas adjoining suburban employment centers. A second major category of economic loss would be those commercial enterprises that rely on a large central city resident population to patronize them. The third major loss category would be investments in land in those city areas converted to less intensive usage. Major losses would be suffered by holders of nonguaranteed mortgages on commercial property and on moderate and low income residential housing.

In addition, there is the problem of municipal debt, some of which might be affected by large-scale conversion processes. Although losing a lot of population, the city would not be losing proportionately nearly so much in tax base. Substantial numbers of the properties liquidated and families lost would have been "deficit creating" in terms of taxes paid versus services received.

Concluding Observations

Several points need to be made with regard to the alternate public policy strategies outlined above:

- A few components are compatible with either a revitalization or a *status quo* approach. High quality schools are common to both but with a different "emphasis mix" over time (e.g. vocation vs. college preparation) depending on the clienteles serviced. Improved transportation and a subsidized attack on structural employment are common elements.
- The *status quo* represents, in effect, the disinvestment approach. A disinvestment strategy if adopted overtly as a matter of public policy would be said to "cause" large economic losses on certain types of inner

city property. These losses would be much more visible and painful than a quiet bleeding to death from forces of the market place.

- Either of the strategies is incredibly expensive; a revitalization effort broad enough to reverse current economic and social trends would require enormous public outlays and entail increased federal taxes, at least over a period of several years.
- Both approaches, if presented overtly, are politically unpalatable (to different sets of citizens and officials). Yet, since 1971 the Congress and through it, the American people, have been giving tacit approval to a strategy of gradual disinvestment and conversion for central cities.

FOOTNOTES

[1] President's Commission on School Finance, *Schools, People and Money*. Washington, D.C.: Government Printing Office, 1972, p. 17.

[2] Committee for Economic Development, *Education for the Urban-Disadvantaged from Preschool to Employment*, 1971, p. 9.

[3] U.S. Bureau of the Census, U.S. Census of Population: 1970, *Detailed Population Characteristics, U.S. Summary*. Washington, D.C.: Government Printing Office, 1973, pp. 1677-78.

[4] Advisory Commission on Intergovernmental Relations, *State Legislative Program: Vol. V. Environment, Land Use and Growth Policy*. Washington, D.C.: Government Printing Office, 1976, pp. 60-65.

[5] For example, news item in *Washington Post*, December 1, 1976, page C-1 opens with, "Four years after a major court busing order that sought to eliminate majority-black schools, the Prince George's County school system now has more of these schools than ,ever before as the number of white students continues to decline dramatically." (These departing students do not reflect part of the normal drift of white families from city to suburb. Prince George's County, Maryland is a suburb!)

[6] Spangler v. Pasadena,__U.S.__, 96 S. Ct. 2697 (1976); Washington V. Davis, 426 U.S. 299 (1976); Village of Arlington Heights v. Metropolitan Housing Development Corp.,__U.S.__, 97 St. Ct. 55 (1977).

[7] President's Commission on School Finance, *op. cit.*, pp. 44-45.

[8] Colman, W.G., "Alternative Regional Arrangements for Assuring Equality of Housing Opportunity." (Prepared for the Potomac Institute and the Center for the Study of Democratic Institutions) Mimeo, 1976, pp. 1-2.

References

Advisory Commission on Intergovernmental Relations, *Improving Urban America: A Challenge to Federalism*. Washington, D.C.: U.S. Government Printing Office, 1976, pp. 215-216.

_____, *Urban and Rural America: Policies for Future Growth*, 1968.

California Supreme Court, *Associated Home Builders of Greater Eastbay, Inc. v. the City of Livermore*, SF 2322, 12/17/76.

Colman, Wm. G., *Cities, Suburbs, and States: Governing and Financing Urban America*. New York: The Free Press, 1975.

Council of State Governments, "Urban Employment *Tax Incentives*," *Suggested State Legislation*, Vol. XXX. Lexington, Kentucky, 1970, p. 135.

Health, Education and Welfare, Department of, Public Health Service, *Health Characteristics of Low-Income Persons*. Washington, D.C.: Government Printing Office, 1972, p. 12.

Justice, Department of, Federal Bureau of Investigation, *Crime in the United States — Uniform Crime Reports — 1975*. Washington, D.C.: Government Printing Office, 1976.

New Jersey Supreme Court, *Southern Burlington County NAACP v. Township of Mt. Laurel*, 3/24/75.

Stanley, David T., *Cities in Trouble*, Columbus, Ohio: Academy for Contemporary Problems, 1976.

ED148934

If Wishes Were Houses Then Busing Could Stop: Demographic Trends and Desegregation Policy

by Gary Orfield

There is a strange and elusive quality about much of the discussion of urban school desegregation. The mere mention of the school issue triggers arguments about housing segregation. Different understandings of the way neighborhoods became segregated produce drastically different conclusions about the remedies courts should employ to correct the violations. Fundamentally divergent conclusions about the efficacy of fair housing laws lead some to conclude that busing is a needless diversion from the road to integrated communities, while others see it as the only real hope. Finally, different impressions of the underlying demographic trends in our cities lead some to conclude that lasting integration will be fostered by limited and very localized school desegregation, while others see plans encompassing entire metropolitan communities as the prerequisite for stability.

Basic Policy Assumptions

Our basic national policy on urban school desegregation is one of limited and sometimes counterproductive action based in part on a series of unsupported but widely accepted assumptions about the problem of residential segregation. The existence of immense ghettos is usually assumed to be an accident—at least from the legal standpoint—the regrettable by-product of private choices and private prejudices. At any rate, the second common assumption holds, housing discrimination is a shrinking problem, thanks to the force of fair housing laws, and residential integration can be expected to spread steadily. A third, and related, assumption is that school busing on any scale will only be counterproductive, undermining the existing favorable trends and perhaps even accelerating the flight of the remaining whites from the city.

These assumptions are voiced not only by citizens talking to pollsters, but also from the White House, from the Justice Department, from Congress, from some university campuses, and even from the federal courts. The beliefs seem impervious to evidence. Perhaps they are held so strongly because of the difficult issues that immediately arise once one rejects them.

During the early 1970's, as the courts began to explore the issues of school and housing segregation, President Nixon led the attack on policies he characterized as "forced busing" and "forced integration of the suburbs," and his Administration turned away from active reinforcement of the 1964 Civil Rights Act and the 1968 federal fair housing law. The President asserted that schools must not "bear the burden of social change," suggesting either that some other institution should bear the burden or that nothing needed to be done.[1] The Nixon Administration stopped HEW enforcement of urban school desegregation and repeatedly urged Congress to enact legislation limiting the scale of busing that could be ordered by the federal courts.[2]

During the same period, President Nixon rejected HUD proposals for conditioning awards of

UD017640

federal urban program funds on evidence of local action to begin housing desegregation. After an angry protest against the policy in a large white industrial suburb of Detroit, the President denounced the policy.[3] Later he rendered the issue much less significant by declaring a moratorium in 1973 on virtually all new commitments for subsidized housing and pressing very hard for transforming federal urban programs to the block grant revenue sharing model, a change which has had the consequence of greatly weakening federal leverage over local uses of the money.[4]

The Justice Department, under Presidents Nixon and Ford, repeatedly urged the Supreme Court to limit busing remedies. The Department's position was that only those individual schools where a history of intentional segregation was proved should be desegregated.[5] The Department drafted legislation during 1976 which was aimed at restricting both the range of desegregation and its duration. Attorney General Edward Levi said that he believed the courts saw busing as an unusual and temporary remedy.[6] Shortly after President Carter named Levi's successor, Griffin Bell, the new Attorney General told a national television audience that he believed that the Supreme Court was moving toward the policy advocated by Nixon and Ford. Bell, in another statement, said he believed that real change would come through housing integration at any rate.[7]

During the 1976 national campaign, both President Ford and Governor Carter praised the existing ethnic concentrations in American cities and attacked the idea of strong governmental action to change them. All of the other major candidates joined in their opposition to major positive programs to open up suburban housing patterns.[8] The assumption was that fair housing procedures could take care of the remaining discrimination problems.

Similar assumptions have been embraced by some members of the Supreme Court in opinions on major school cases in recent years. Justice Potter Stewart, who cast the key fifth vote against metropolitan desegregation in Detroit in 1974 concluded that the segregation of the suburbs probably happened without government action. He attributed it to "unknown and perhaps unknowable factors such as in-migration, birth rates, economic changes, or cumulative acts of private, racial fears."[9] If the suburbs were segregated because of unknowable private forces they were legally exempt from desegregation remedies, he believed.

Three of President Nixon's four appointees to the Supreme Court joined in an important December 1976 concurring opinion in the Austin case. Justices Powell, Rehnquist, and Chief Justice Burger accepted both the Justice Department argument about limiting remedies and the currently popular views about the origin and dynamics of urban segregation:

> The principal cause of racial and ethnic imbalance in urban public schools . . . is the imbalance in residential patterns . . . Economic pressures and voluntary preferences are the primary determinants of residential patterns.
>
> . . . large-scale busing is permissible only where the evidence supports a finding that the extent of integration sought to be achieved by busing would have existed had the school authorities fulfilled their constitutional obligations in the past. Such a standard is remedial rather than punitive and would rarely result in the widespread busing of elementary-age children.[10]

In a footnote the three Justices express their view that busing is a threat to basic rights of all families:

> The individual interests at issue here are as personal and important as any in our society. They relate to the family, and to the concern of parents for the welfare and education of their children—especially those of tender age. Families share these interests wholly without regard to race, ethnic origin, or economic status. . . . a desegregation decree is unique in that its burden falls not upon the officials or private interests responsible for the offending action but, rather, upon innocent children and parents.[11]

The judges accepted uncritically the key assumptions of school integration critics. They assumed that bus transportation was a very heavy burden on children and families.[12] They assumed that housing segregation was the result of private actions, and the guilt for segregation within a city could be neatly defined and surgically remedied. The court treated cities as static entities, not as constantly changing clusters of people where patterns of segregation, initially fostered by government, can produce social expectations and relationships that spread and persist long into the future.

Public Beliefs

The optimistic assumptions about progress against segregation in the cities were shared by much of the public and were used to justify opposition to busing as a desegregation approach. Surveys consistently show large majorities of the public supporting integrated education and opposing busing. Gallup Polls in 1973 and 1975 showed that most people would favor some alternative route to integrated schools. Solutions related to housing were commonly mentioned.[13]

Many Americans believe that the housing market is already non-discriminatory and that the passage of time will greatly aid desegregation. White support for federal open housing legislation increased from 30 to 46 percent from 1966 to 1971.[14] By 1970, two-thirds of whites and 97 percent of blacks told pollsters that they believe that "Negroes can live wherever they can afford to."[15] A 1972 Harris Survey showed that slightly more than half of each racial group believed that housing integration would be accomplished during their lifetimes.[16] Although whites assigned civil rights very low priority among national issues in the 1970's, most were very optimistic about the progress they believed was being accomplished.[17] Widely publicized neo-conservative books including Nathan Glazer's *Affirmative Discrimination* and Ben Wattenberg's, *The Real America* argued that the problems were, in fact, diminishing rapidly.[18]

The surveys showed that the large majority of blacks preferred living in integrated neighborhoods and that most whites said they were prepared to accept a black neighbor of similar status.[19] Looked at more closely, however, the evidence was more complex. Most blacks wanted integration, but they did not want to be isolated pioneers in overwhelmingly white neighborhoods. Whites, on the other hand, said that they would accept a small number of black residents but not many. Whites also reported that they believed that their neighbors were far more opposed to integrated housing than they themselves were.[20] While many whites said that they were prepared to accept limited integration if it happened to occur spontaneously, there was little support for positive action against segregation.

The assumption, in other words, is that housing discrimination is shrinking and can be effectively countered through case-by-case investigations of complaints filed by victims of discrimination. Policies entailing a more positive governmental attempt to change urban patterns are criticized as unnecessarily disruptive of an underlying pattern of peaceful positive change.

The Reality of Urban Segregation

The best available measures show that there was at best a very modest decline in residential segregation within central cities during the 1960's. Statistics provided by mid-decade Census Bureau studies of some cities shows a similar pattern in the '70's. The data shows levels of segregation far higher than that experienced by earlier immigrants from other societies and that we are many decades away from a more normal pattern.[21] Some recent research using the metropolitan area as the basis of analysis, rather than central cities alone, found that segregation had actually *increased* during the '60's.[22] Discerning any trend is difficult for several reasons, including the fact that the principal measure, the desegregation index, is constructed in a way that would show a gain in the speed and extent of neighborhood racial transition as a gain in integration. The measures also suffer from the fact that they combine Hispanic people in an undifferentiated "white" population and thus may understate the degree of minority group isolation. Although blacks and Puerto Ricans may account for virtually the entire population of a community, it may statistically appear to be integrated, although each group is highly isolated from mainstream Anglo society. Thus the reports of progress in housing segregation should be treated cautiously since they probably substantially overstate the amount of stable integration.

The standard measure of segregation levels is the Taeuber index which shows the proportion of residents who would have to move within a community to achieve a non-racial population distribution. Segregation in the average city was so intense in 1970 that 82 percent of black families would have had to move to achieve a random distribution by race, only a very slight change since 1960. The limited mid-1970's data available from the Census Bureau's work in a few cities shows that the pace of desegregation may have increased modestly since 1970, but that very high levels of segregation remain. Between 1960 and 1974, Reynolds Farley reports, the black proportion of the nation's suburban population rose from 4.8 percent to 5.0 percent, much of which is concentrated in segregated suburban sites.[23] In contrast to the Farley statistics on individual studies, Urban Institute calculations of both Taeuber indices and another measure in the metropolitan areas of four major states showed a continued intensification of residential segregation during the 1960's.[24]

The pattern of segregation cannot be explained by differences in income and is not likely to be remedied by a rise in black income. A recent analysis of the relationship between income and segregation in 32 Southern cities found that the considerable economic and civil rights progress of Southern blacks had a very small impact on housing:

> . . . the overall evidence appears less persuasive now than a decade ago that socioeconomic factors play a large part in reducing segregation . . . Black economic progress has occurred in the past decade, and continues to occur in the seventies, but without significant changes in residential patterns.[25]

Intensive studies of individual cities as well as broad national studies of this issue have shown a similar inability of blacks with the needed income to buy homes in the integrated communities they prefer. In 1970, for instance, if blacks had been distributed between Detroit and its suburbs by income the same way whites were, 67 percent of black families would have been suburbanites.[26]

Extremely weak and ineffective administration of the federal fair housing law may have contributed to this poor record, but the housing market does offer particularly severe obstacles to the enforcement process in any case. The federal law provided no enforcement powers to HUD, and Justice Department litigation against violators was on such a small scale that it was virtually invisible, less than two dozen cases concluded a year across the entire country.[27] Surveys have shown that most people do not know that the law exists or how to use it if they are discriminated against.[28]

More fundamental limitations on the impact of fair housing enforcement grew out of the nature of the housing market, the values of the real estate profession, and the immediate quality of the need for housing. Only a tiny fraction of the nation's housing supply is in the public sector. The private housing market is extremely fragmented, with hundreds of thousands of participants, thus the influence of a single enforcement proceeding is extremely slight. Second, realtors usually believe that sales or rentals integrating neighborhoods will produce resentment and damage their business standing, while there is little risk of prosecution from the slightly-enforced fair housing laws, which usually impose no significant penalty even on the small number of realtors found guilty of segregationist practices.[29] The time necessary for investingating and prosecuting a case is also a very severe limitation. Litigants can often wait years for proceedings against segregation in jobs or schools, but they usually need a house or apartment very quickly. Enforcement proceedings consume month after month.

Those who hope to make a basic breakthrough against housing segregation believe that the basic focus must be on affirmative policies, direct limitations on the economically exclusionary policies of the newer suburbs, and creation of new metropolitan-wide processes to plan and build low and moderate income housing.[30] HUD's own research shows systematic violations on a large scale of the modest federal requirements for marketing housing units constructed with some form of federal assistance in the minority as well as the white community.[31] The possibility of using housing and urban programs as an incentive to produce integration has been weakened by the conversion to block grant programs with few strings attached and to housing programs which rely even more heavily on the highly segregated private market.[32] The major attack on exclusionary suburban zoning and land use policies has been through litigation. In a series of decisions in recent years the Supreme Court has made it very difficult for civil rights groups to even bring such cases into federal courts and has developed standards of proof of local intentions that are almost impossible to meet. Even in New Jersey, where there has been a major victory in the state courts in the *Mt. Laurel* case, the deficiencies in the existing housing subsidy programs have been so severe that it has been impossible to get units constructed.[33]

Negative Trends

Some of the barriers to housing integration are now actually growing. Conditions for achievement of substantial residential integration were most favorable during the late '60's and early '70's, when the implementation of the 1968 housing act brought the government unprecedented leverage in the housing market and record production of subsidized housing, much of it outside of traditional public housing areas. At its peak, subsidized housing accounted for about a fourth of all housing units under construction.[34]

This housing was constructed by a financial arrangement which was based on federal payment of most of the mortgage interest costs, so the federal government will be paying bills on the housing for decades. Unfortunately, however, it was built with no effective civil rights procedures. The choice of tenants for rental units and buyers for the home ownership units was left largely in the hands of the private owners and builders. This meant, in several metropolitan areas studied by the Civil Rights Commission, that the programs operated within the traditional dual housing market. Their net effect, in fact, may have been to accelerate the process, since they often financed movement of low income white families from inner cities to subsidized suburban units, while enabling minority families to move into used housing in transitional areas near the ghettos and barrios, thus intensifying both white flight and neighborhood racial change.[35]

Since President Nixon imposed a moratorium on most of the housing programs in January 1973, there has been very little construction of subsidized low income family housing. The gradual revival of housing activity growing out of litigation against Nixon's impoundment, Congressional enactment of the Section 8 subsidy program, and priority for rehabilitation has tended to place far more reliance on existing housing and much less on new construction.

The turn toward rent supplements as a basic approach to subsidized housing means even greater reliance on the private housing market. The cost ceilings in the federal programs mean that there is little if any access to the small number of expensive family sized rental units in the newer white suburbs. In many cases the recipient of the Section 8 grant remains in his existing housing. The probable pattern of movement is to a nearby neighborhood with somewhat better condition housing stock but with rental levels below the local average.[36] This seems likely to fortify the processes of ghetto expansion and housing abandonment at the core.[37] The net effect might not be only to spread segregation and speed neighborhood transition but also to diminish the central city tax base and implant the cancer of abandonment, which tends to have rapidly spreading neighborhood impact.

Rent supplements are faster and cheaper than public housing construction, but the choice must be exercised within an overwhelmingly segregated private market. One would hope for a searching examination of these issues before the Carter Administration embraces a housing allowance policy. Ignoring this issue would only increase the need for school busing plans.

Construction of subsidized public housing for families in integrated neighborhoods would have a disproportionately great impact in producing naturally integrated schools because a very large number of black school-age children live in female-headed families whose income levels are low enough to qualify for subsidized housing. More than two black children in five live in single parent families which have been very largely excluded from the economic mobility experienced by young black couples with higher educational levels and both spouses working.[38]

Most black children live in families and most of the families have the income to buy or rent housing somewhere in their city's suburbs. The principal restraints on mobility of this group appear to be the momentum of past expectations, continuing pervasive segregationist practices in the real estate industry, and the mounting, inflation-fueled initial costs of purchasing a home.

The impact of expectations is primarily felt through the channeling of white and minority home buyers and renters. The expectation that any neighborhood that begins substantial integration will inevitably become a ghetto means that minority homebuyers are shown homes in integrated neighborhoods, speeding up the process of change. White homebuyers are carefully steered elsewhere and quietly told that the integrated neighborhood is declining or that property values are not rising as fast there as in the outer suburbs.[39] The expectation becomes a self-fulfilling prophecy. The transition is sped by the neighborhood school policy. Since the new minority families are younger than the aging white families, their children soon make a disproportionate impact on the local elementary school's enrollment pattern. The change in the school helps give momentum to the transition. This syndrome often produces the ironic result of the most rapid ghettoization in the community with the fairest housing practices. It is hard to see how it can be reversed without policies to open many neighborhoods simultaneously and to assure neighborhoods that their schools will remain integrated.

One of the serious barriers to housing integration is the cumulative impact of isolation from the housing market on the wealth of a family and their capacity to purchase a desirable home. Homes are most families' only large asset. For some time more than two-thirds of white families have been homeowners. The enormous inflation in housing prices has increased their equity and lowered their monthly housing costs in dollars of constant value. This means that many white families who could not now afford to buy homes in desirable communities already own them, have modest housing costs, and are steadily gaining in equity. Most minority families, on the other hand, own no home and face rapidly rising rentals. Inflation serves to vastly increase the future choices of the owners and to diminish the capacity of the renters to accumulate the initial costs of a first home. Blacks and Latinos who do own homes are far more likely than whites to own central city properties in areas with declining public services, segregated schools, and crushing tax burdens. These homes are rising in assessed value far less rapidly than suburban homes.[40]

Nor can black homebuyers normally find the kind of homogeneous upper status, highly educated communities that are so appealing to upper status whites. A 1975 study reported that the average white family with an income below the poverty line lives in a neighborhood with a higher median income than a typical black family earning more than $25,000. Black professionals and managers live in neighborhoods where most workers are unskilled or semiskilled, while whites in similar brackets live in communities with few such workers.[41]

To the extent that the neighborhood school system produces public schools that reflect and perpetuate the dominant culture and values of the community, children of successful blacks are denied the stimulation and reinforcement offered by the kind of schools available to similarly situated whites.

Differences in family wealth are often the direct result of housing discrimination by federal mortgage insurance agencies. Millions of American families, for instance, were able to buy their first home because of very favorable terms. No savings and only a modest monthly income were necessary to purchase a no-down-payment suburban tract home at a low interest rate. For the same cost as other families paying rent, the family in a VA-insured house obtained tens of thousands of dollars of equity. If they used their equity to "trade up" by paying the down payment and closing costs on a more expensive home, the leverage of inflation increased their wealth more rapidly. Many such families occupy excellent housing in highly rated residential areas because the government gave the opportunity to obtain a first home without any initial payment.

These extremely favorable terms were, for many years, usually available to whites only. Both the VA program and the larger FHA program had official policies favoring restrictive covenants throughout the post-World War II building boom of the '40's. Even after this policy was abandoned in 1950, there was not even a formal commitment to act against discrimination until 1962. Through the mid-60's only a tiny fraction of federally insured mortgages went to minority families.

(This is only one of the many ways in which the federal government has been involved in fostering segregation which has had a long lasting impact. Federal programs have deeply influenced everything from standardizing appraisal practices, to stimulating planning and zoning, to underwriting the stability and guaranteeing the deposits of the nation's mortgage lending institutions. In an environment of such complex and many-sided government-private relationships, little is done in a purely private fashion. Usually the record shows that the federal and local agencies have accepted and even reinforced the racial attitudes prevailing in the industry.)

As the housing market has begun to open to informed and persistent buyers in some areas, the economic barriers have grown very rapidly. Housing costs have inflated more rapidly than incomes, so that each year a smaller and smaller fraction of the nation's families can afford a typical new home. While almost half of American families could affort an average new home in 1970, a soaring inflation and record interest rates had priced almost three fourths of the families out of the market.[42] Blacks and Latinos with rising incomes often found the goal of a house in a good neighborhood more elusive than ever.

The prospect in the suburban rental market is even worse. Construction of rental units for families in newer areas has been drastically curtailed since the days of the post-war garden apartment enthusiasm. The great bulk of this reasonably priced family housing was marketed with segregationist policies, even though it was insured by a federal agency. Later, as minority incomes rose, suburbs were restricting rental construction to luxury buildings and one-bedroom units which could accommodate children who would raise the community's educational taxes.[43] These restrictions were deepened by environmental controls and slow-growth policies adopted in many suburbs. By the mid-70's a serious shortage of financing and the skyrocketing operating costs of rental property also discouraged construction.[44] These trends make it likely that black residential integration in the newer rental complexes in suburbia will have little impact on schools since few accommodate children. As ghettos spill out across suburban boundary lines in some major cities, blacks are inheriting some older garden apartment areas, but in a fashion that extends rather than diminishes residential and school segregation.

Without major changes in economic trends, fair housing enforcement, and federal and local housing policies, it seems unlikely that the present very gradual changes in segregation levels will increase. Certainly school segregation will not disappear as a result of housing change. Every effort should be made to increase and stabilize housing integration, but it can only be one part of an answer to school segregation problems.

If the schools cannot be desegregated indirectly and local authorities are guilty of unconstitutional segregation, the only real remedy remaining is school desegregation. Once the necessity of school desegregation is conceded, however, it only begins the argument about how extensive the plan should be. The answer requires basic conclusions about the impact of school policy on neighborhood stability.

How Much Is Best? If we must have busing, many argue, at least it should be as limited as possible. This has been the consistent position of the Justice Department for eight years. The Justice lawyers have urged the court to desegregate only those individual schools where there is unambiguous historic evidence of unconstitutional segregation.[45] Presidents Nixon and Ford both asked Congress to legislate such limits. On several occasions the House of Representatives has voted for efforts to very strictly limit the reach of court orders. HEW, federal district judges, and local school officials have often made minimizing busing a basic goal of the planning process, assuming that busing itself was the chief source of public resentment. Civil rights groups, on the other hand, continually press for the broadest possible plans, asserting that nothing else remedies extensive constitutional violations and nothing else will work. We now have considerable experience with years of operation of plans which range from pairing a few schools on the opposite sides of ghetto boundary lines to metropolitan wide integration in systems larger than some entire states.

Most of the integration in our cities has been "natural," the result of normal process of ghetto and barrio expansion which produces a temporary, transitional integration and then resegregation, block by block, school by school. No busing is involved, and the process is extremely unstable.[46] During the past year, for example, the Chicago public schools, one of the most rigidly segregated systems in the country, lost 6 percent of the remaining white students.[47] In Atlanta the years following a decision not to engage in large-scale busing saw very rapid declines in white enrollments.[48] Although there has been an intense debate about the causes of white flight from central city school systems, all sides of that controversy agree that maintenance of the neighborhood school system has not stabilized enrollments and that central cities with large minority enrollments lose whites rapidly even if they do nothing to integrate their schools.

The next step beyond doing nothing is to leave the basic neighborhood school system intact, except in the immediate area of the boundary line between the minority and white sections of town. On the edges of the ghetto or barrio, some integration can be achieved by "pairing" schools. This technique combines the attendance areas of two or more schools on opposite sides of the line into a single larger district. Both buildings then become schools for certain grade levels for all the children in the enlarged district. Usually the children can walk to their new schools and the schools are integrated at least in the beginning.

The pairing process can be a full solution to the problem of segregation in a small school district or a district with small isolated pockets of minority students—such as an affluent suburban community which has grown up around an old black or Hispanic settlement. The process is usually completely futile, however, when it is applied to large cities. The basic problem is that it is based on a fundamental misconception of neighborhoods. It conceives of the racial boundaries between white and minority neighborhoods as stable and lasting. The reality usually is one of expansion, erosion of younger white population on the ghetto periphery, and eventual racial transition. Efforts to integrate big cities through pairings on the edges of ghettos or through building new schools on the boundary line fail to take account of underlying urban trends and are usually doomed to failure. They may speed the existing process of change. Both civil rights groups and city school administrators, for example, concede that the approach has had little lasting value in New York City.[49]

Next on the scale comes broader desegregation plans limited to part of a city. Partial desegregation plans in Baltimore and Memphis would fall in this category, as would the first phase of the Boston plan or the 1976 Detroit plan. If people were basically concerned about the distances their children were to be bused, one would have expected that the short rides in the initial Boston plan and the exemption of major parts of the city would have eased the transition. The community reaction, however, was probably the worst experienced anywhere in recent years.[50] Such plans may well bring together two groups of low income children and their teachers in a situation offering little chance of educational benefits. They create segregated white sanctuaries.

Obviously plans dealing with a segment of a city can work in some circumstances, particularly in districts with limited minority enrollments. The Detroit plan was peacefully implemented, perhaps because there the rapid transition to an overwhelmingly black school system had already become evident and was tacitly accepted by both blacks and whites. Such plans do nothing to stabilize either the white population or residential integration in cities with large minority enrollments. They may well accelerate flight during the first year of operation.[51]

The fourth general category of desegregation plan includes the district wide plans adopted after the Supreme Court's 1971 *Swann* decision. In that case the Court upheld a plan based on distributing white and black children proportionately throughout a large urban district (Charlotte, N.C.).[52] During the following months many other large Southern systems came under similar orders. Some Northern and Western districts later faced similar orders.

The stability of these plans appears to be related to the proportion of black enrollment in the system and to the proportion of the metropolitan area's population included in the desegregated system. The most stable large districts have been county-wide systems where the plan included all or most of the urbanized area.[53]

A major academic controversy has raged over whether or not the implementation of a new city-only school desegregation plan may have an impact on speeding the white flight from central cities. Both Professor James Coleman and some of his leading critics now agree that there may be a modest first year acceleration during the crisis of transition.[54] In the long run, however, it is clear that the possibility of maintaining integration depends overwhelmingly on the underlying demographic trends that existed in the community before integration began.

School Policy and Housing Change

Although the research on the school-housing relationship is weak there is some data suggesting that the achievement of broad and stable school integration may foster housing integration. If this is true those who claim that housing desegregation can solve the school issue have the relationship backwards. A basic framework of school integration policy may be a precondition for substantial expansion of neighborhood integration. It may be that metropolitan-wide busing would help produce integrated neighborhoods that would eventually lead to a considerable curtailment in the need for future busing.

A number of districts with broadly based school desegregation plans appear to be experiencing gains in residential integration. Sacramento, California, one of the earliest cities to desegregate has had a major decline in residential segregation. A study of Riverside, California, which desegregated in the mid-60's, reports a number of families moving to the attendance zone of the school to which their child was bused. In Evanston, Illinois, one school where black children were bused in has now become naturally integrated. Berkeley has stabilized enrollment and residential patterns for a decade though the schools had about half minority children. In Louisville there have been some reports of white families moving from white areas to the integrated neighborhoods the court exempted from all busing requirements.[55] Such changes, if they became a general pattern would have the beneficial result of beginning to build a positive cycle of expectations in place of the present destructive patterns.

Stable metropolitan integration could also have the long-term consequence of broadening the social and racial composition of the inner city areas. Middle class white and minority families attracted by the movement to restore old neighborhoods would no longer face a heavy school "tax" if they wished to bring up their family in the city. Their children could go to integrated schools with both middle class and poor children, just like everyone else in the metropolitan area. There would be more incentive to take advantage of the convenience and lower housing costs of the city and less to pay the costs of commuting. As this change gained strength, the amount of busing needed in the neighborhoods affected would fall.

National statistics show that there is a net movement of young white adults *into* central cities. When they reach child-bearing years, however, there is a very rapid process of suburbanization and a drastic shift in the racial proportions of this key population group. In a number of major central cities a substantial majority of the white children who grow up in the city attend private schools. So do thousands of middle class blacks. Both the rapid change of residence and the extraordinary willingness of young white families to forego the normal expectation of public schools provided by their tax dollars show the powerful negative influence of the central city schools in attracting new residents.[56]

If the choice facing parents was changed from one between ghetto or transitional schools in the inner city and all-white high status suburban schools to one in which there would be stable integrated schools everywhere and no segregation anywhere, one of the powerful barriers to central city upgrading would be removed. If this change were combined with an effective attack against redlining by banks, targeting of rehabilitation funds and the design of mortgages to include renovation money,the middle class central city population would surely grow.

If neighborhoods threatened to become virtually all-white, a la Georgetown, a proper integrationist use of housing policy would call for concentrating subsidy funds sufficient to permit a number of minority families to remain, thus maintaining the community's diversity and the integrated character of the schools.

Principles for an Urban Integration Policy

The most fundamental need, if we are to have an integrated society, is to recognize that it won't happen by accident, and that even the modest favorable trends may well prove to be unstable, unless we build a framework of integrationist policies to change the choices offered to families deciding where to live in metropolitan areas. We must recognize that the progress toward residential integration is very slow, according to the most optimistic estimates. In many major cities, school segregation is still becoming worse, sometimes approaching the levels of absolute racial separation found in the South before 1954.

Given the enormous diversity of American communities and their school systems, there is no simple policy that should be applied nationwide. The basic principle should be to incorporate in desegregation plans a sufficient part of the urban community to insure long-range stability and to avoid creating any significant incentives for flight and resegregation. To support this effort there should be major coordinated attempts to open white neighborhoods to blacks and Hispanics and to offer whites opportunities to move back to the city with the support of policies providing integrated schools and fostering racial and economic integration of old neighborhoods. Fair housing laws will not be sufficient, though their enforcement should surely be strengthened.

The issue of metropolitan integration arises in a relatively small number of circumstances, but in cases of great importance because of the size of the metropolitan clusters and the great concentration of black and Hispanic children in their central cities. In these circumstances, the choice is unambiguous. Either there will be integration across boundary lines or there will be further great expansion of segregated schools and segregated neighborhoods.

The problem at its core is not a reflection of the bitter opposition of most Americans. It reflects the continuing force of a set of processes established when there was open racism in our urban areas and when all levels of government supported a segregationist consensus among the white public. The processes have very powerful momentum since they have formed the only stable set of expectations about racial change in the experience of the key actors in the housing market.

Now that American society has reached the point where large majorities of both races state a preference for integrated schools and where most say they will accept integrated neighborhoods, the basic problem is to find methods which create momentum toward those goals. The first essential is to devise policies which show that integration on a large scale can be stable and not merely the first step in ghettoization. The tools do not exist at this point to do this in the housing market, except over a period of many years, and the internal complexity of the market makes it exceedingly difficult to regulate unless there is a massive expansion of the public role. The only viable strategy for substantial integration in this generation is through school desegregation. Schools are public institutions where changes in assignment policy can rapidly greatly diminish racial isolation and can begin to alter the way in which people give racial definition to neighborhoods.

School desegregation is a massive social change that only happens once in most areas. If it is to have a positive impact in creating new expectations, it must be done in a way that takes into account the underlying demographic patterns of an area. If it is done in a way that increases the black, white or Hispanic racial identifiability of cities and school systems, it may speed destructive processes. If it encompasses a sufficient area to offer the prospect of long-run integration in largely middle class schools, it may be the first step toward building a stable integrated society. In the older urban centers of the nation, constructive school desegregation policy must transcend city boundaries. To do otherwise is to shut one's eyes to the obvious and to waste a unique opportunity for change on a plan that cannot ultimately diminish segregation.

Courts and policy makers must begin to consider the intimate relationship between school and housing policies both in the building and in the dismantling of ghettos. The Supreme Court made an excellent start toward recognition of this dynamic relationship in the *Swann* and *Keyes* cases but has since been gradually backing away from its implications. By the same token, the complexity of the interactions in urban policy should convince administrators and legislators that there must be a pattern of supporting administrative actions both within schools and in urban policy generally if one is to fully realize the possibilities for stabilizing and extending integration.

FOOTNOTES

[1] President Nixon's message to Congress is printed in: Senate Committee on Labor and Public Welfare, Subcommittee on Education, *Hearings, Equal Opportunities Act of 1972,* 92nd Cong., 2d Sess., 1972, pp. 44-47.

[2] Leon Panetta and Peter Gall, *Bring Us Together* (Philadelphia: Lippincott, 1971). The *Adams* v. *Richardson* litigation eventually led to a succession of federal court rulings finding HEW guilty of intentional non-enforcement of the 1964 Civil Rights Act.

[3] The conflict was covered in great detail in the *Detroit News,* July-September 1970. The President's December 10, 1970 press conference statement appears in *New York Times,* December 11, 1970.

[4] *Washington Star-News,* January 9, 1973; *New York Times* January 9, 1973; National Committee Against Discrimination in Housing, "General Revenue Sharing's Impact on Equal Opportunity in Housing," Oct. 1975.

[5] The Justice Department made this argument in its *amicus* brief in the Denver case and in a series of cases it brought or intervened in at both the lower court level and before the Supreme Court in the succeeding years.

[6] *Washington Post,* June 17, 1976.

[7] Bell spoke on "Face the Nation" and his remarks were quoted in *New York Times,* February 14, 1977.

[8] After the "ethnic purity" issue was raised in the Pennsylvania primary all candidates denied any support for a major attack on suburban exclusion.

[9] Milliken v. Bradley, 418 U.S. 717 (1974).

[10] *Texas Education Agency* v. *U.S.,*__U.S.__, 97 S. Ct. 516 (1976).

[11] *Ibid.*

[12] More than 52 percent of American school children are bused to school. Surveys show a high level of public satisfaction with busing, except when it is employed for desegregation. There is no significant evidence that busing itself has any impact on the educational process. (James A. Davis, "Busing," in Robert Crain (ed.), *Southern Schools: An Evaluation of the Effects of the Emergency School Assistance Program and of School Desegregation* (Chicago: National Opinion Research Center, 1973) Vol. II, pp. 83-125.

[13] *Gallup Opinion Index,* Oct. 1973, p. 14; Feb. 1976, p. 10.

[14] Opinion Research Corp. data reported in Sandra Kenyon Schwartz and David C. Schwartz, "Convergence and Divergence in Political Orientations between Blacks and Whites: 1960-1973," *Journal of Social Issues,* Vol. 32 (Spring 1976), p. 156.

[15] Survey Research Center data cited in *Ibid.,*p. 156.

[16] Harris Survey data cited in *Ibid.,* p. 158.

[17] William Watts and Lloyd A. Free, *State of the Nation* (New York: Universe Books, 1973), p. 35; *State of the Nation 1974* (New York: Harper Colophon, 1974), pp. 20-21, 278, 305.

[18] Wattenberg's widely-read book, for example, simply asserted that blacks with money could buy houses anywhere. (*The Real America,* p. 256). Surveys of blacks, on the other hand, show a sharp *rise* in perceptions of discrimination as income level rises. (Schwartz and Schwartz, p. 159).

[19] Howard Schuman and Shirley Hatchett, *Black Racial Attitudes: Trends and Complexities* (Ann Arbor: Institute for Social Research, 1974), p. 7; 1974 Survey Research Center data showed that 87 percent of whites said they believed in the rights of blacks to move into any neighborhood where they could afford the housing (*New York Times,* August 18, 1975).

[20] Schuman and Hatchett, p. 7; Angus Campbell, *White Attitudes Toward Black People* (Ann Arbor: Institute for Social Research, 1971), p. 135.

[21] Karl E. Taeuber, "Race and the Metropolis: A Demographic Perspective on the 1970's," (Madison: Institute for Research on Poverty Discussion Papers, 1974).

[22] Frank deLeeuw, Ann B. Schnare, and Raymond J. Struyk, "Housing," in William Gorham and Nathan Glazer (eds.), *The Urban Predicament* (Washington: Urban Institute, 1976), p. 152.

[23] Reynolds Farley, "Trends in School Segregation and their Relationship to Residential Segregation," paper presented to Leadership Conference on Civil Rights Conference on Integrated Education, January 28, 1977.

[24] deLeeuw, Schnare, and Struyk, p. 152.

[25] Wade Clark Roof, Thomas L. VanValey, and Daphne Spain, "Residential Segregation in Southern Cities: 1970," *Social Forces* (September 1976), p. 69.

[26] Karl E. Taeuber and Alma F. Taeuber, *Negroes in Cities* (Chicago: Aldine, 1965); Phoebe Cottingham, "Black Income and Metropolitan Residential

Dispersion," Urban Affairs Quarterly (March 1975) pp. 273-296; Reynolds Farley, "Residential Segregation and its Implications for School Integration," *Law and Contemporary Problems* (Winter 1975), pp. 164-193.

[27] Statistics for 1968-75 period supplied by Department of Justice Civil Rights Division, April *1976.*

[28] Judith A. Haig, "A Study to Determine the Extent of Compliance Among Developers/Sponsors with Equal Housing Advertising Guidelines and Affirmative Marketing Regulation," (Providence, R.I.: Jaclyn Inc., April 1976), p. 39.

[29] The first important study of realtors' attitudes was Rose Helper, *Racial Policies and Practices of Real Estate Brokers* (Minneapolis: University of Minnesota Press, 1969). Persistence of patterns of discrimination at many stages of the search and sale processes has been documented by fair housing groups and academic researchers in many communities.

[30] Anthony Downs, *Opening Up the Suburbs: An Urban Strategy for America* (New Haven: Yale University Press, 1973); U.S. Commission on Civil Rights, *Equal Opportunity in Suburbia,* 1974.

[31] Judith A. Haig. *Ibid.* Mark Battle Associates, Inc. and National Committee Against Discrimination in Housing, *Affirmative Fair Housing Marketing Techniques: Final Project Report,* submitted to U.S. Department of Housing and Urban Development, January 23, 1976.

[32] The change in basic urban policy has been particularly striking in the past several years, as illustrated by the virtual shutdown of public housing and other subsidized housing programs in January 1973 and the transformation of the model cities programs and other specific programs aimed at urban improvement into the Community Development block grant program, distributing money away from central cities while increasing federal aid to the suburbs.

[33] *Southern Burlington County NAACP* v. *Township of Mount Laurel,* 67 N.J. 151, 336 A. 2d 713 (1975).

[34] The proportion of subsidized production peaked in 1970. National Association of Home Builders, *Housing Starts Bulletin,* July 18, 1973.

[35] U.S. Commission on Civil Rights, *Home Ownership for Lower Income Families,* 1971.

[36] This pattern was observed in an early housing allowance experiment in Kansas City. (Arthur P. Solomon and Chester G. Fenton, "The Nation's First Experience with Housing Allowances: The Kansas City Demonstration," (Cambridge: Joint Center for Urban Studies, 1973) p. 29.

[37] Early reports on the use of Section 8 funds show that near half of the recipients remained in their existing *housing, using the subsidy to lower their rent, and* that "few participants are moving to new neighborhoods." Philip A. Sampson, "Housing Assistance for Low- and Moderate-Income Families," Budget Issue Paper (Washington: Congressional Budget Office, 1977), p. 30.

[38] U.S. Bureau of the Census, *The Social and Economic Status of the Black Population of the United States, 1974.* pp. 106, 111. (3.2 million black children live in female-headed families and only 56 percent of black children live with two parents.)

[39] The small number of stable integrated communities in the U.S. is discussed in Nina Jaffe Gruen and Claude Gruen, *Low and Moderate Income Housing in the Suburbs* (New York: Praeger, 1972), Chapter 7; the resegregation process is analyzed in the following books: Harvey Luskin Molotch, *Managed Integration: The Dilemmas of Doing Good in the City* (Berkeley: University of California Press, 1972) and Solomon Sutker and Sara Smith Sutker (eds.), *Racial Transition in the Inner Suburb: Studies of the St. Louis Area* (New York: Praeger, 1974).

[40] Almost 70 percent of whites but only 45 percent of minorities owned homes in 1970. In a number of major metropolitan areas including Boston, Atlanta, Chicago, Cleveland, and Newark fewer than a third of the black families were homeowners. Blacks who did own homes usually owned homes which were older and less valuable. Economists John Kain and John Quigley have estimated that a black family excluded from homeownership between 1950 and 1970 would face out-of-pocket housing costs twice those of a similar white homeowner in 1970 and would have missed the opportunity to accumulate an equity of at least $16,000. (U.S. Commission on Civil Rights, *Twenty Years After Brown: Equal Opportunity in Housing,* 1975, pp. 145-149.) During the 1970's the enormous increase in housing costs has intensified this vicious cycle. Between 1970 and 1975, the cost of buying a median-priced new home rose about twice as fast as income for a first-time buyer, while inflation meant that existing homeowners were actually more able to buy such a

home in 1975 than five years earlier. The first-time buyer also had to cope with a 68 percent increase in the median down payment during this period. (Neil S. Mayer, "Homeownership: The Changing Relationship of Costs and Incomes and Possible Federal Roles," (Washington: Congressional Budget Office, 1977), pp. 11, 17, 24.

[41] Brigitte Mach Erbe, "Race and Socioeconomic Segregation," *American Sociological Review*, vol. 40 (December 1975), pp. 804, 809.

[42] MIT-Harvard study quoted in *Congressional Record*, March 15, 1977, p. S4129.

[43] Michael Danielson, *The Politics of Exclusion* (New York: Columbia University Press, 1976).

[44] Multi-family construction was particularly hard hit, declining from a high of 1.07 million units started in 1972 to .46 in 1974 and .28 in 1975 (Sampson, p. 21).

[45] The Justice Department supported the requirement of school-by-school proof in a long succession of briefs during the Nixon and Ford Administrations. President Ford directed the Department to intensify its efforts to limit busing in May, 1976 (*New York Times*, May 19, 1976). It is not yet clear whether the Carter Administration Justice Department adheres to a similar policy.

[46] The changes were so commonplace that the New York City schools even developed a statistical equation to predict the acceleration rate of white flight.

[47] *Chicago Sun Times*, January 25, 1977.

[48] Center for National Policy Review, *Trends in Black School Segregation 1970-1974*, p. 42.

[49] The two sides, however, reach very different policy conclusions, with the school officials arguing for inaction and the civil rights advocates supporting much more far-reaching plans. See comments of Irving Anker and Dan Dodson, *Integrated Education*, May-June, 1975, pp. 137-142, 156-159.

[50] U.S. Commission on Civil Rights, *Desegregating the Boston Public Schools: A Crisis in Civic Responsibility*, 1975.

[51] Remarks of Professor Reynolds Farley, "Conference on Integrated Education," January 28, 1977. Farley also pointed out that, "If the public schools in the city of Detroit are completely integrated, black children will attend classes which are over 80 percent black. Most of the Detroit area white children will be in suburban schools which are over 94 percent white."

[52] A detailed account of the local experience in the implementation of the *Swann* decision is found in John Egerton, *School Desegregation: A Report Card from the South* (Atlanta: Southern Regional Council, 1976), pp. 15-20.

[53] The best study of the impact of county-wide desegregation plans, and one of the only white flight studies based on interviews with parents, is: Micheal W. Giles, Douglas S. Gatlin, and Everett F. Cataldo, *Determinants of Resegregation: Compliance/Rejection Behavior and Policy Alternatives*, report to National Science Foundation, June 1976.

[54] Two of Coleman's leading critics, Reynolds Farley and Christine Rossell, conceded this point at the "Conference for Integrated Education," January 28, 1977. Forthcoming research on Boston by J. Michael Ross will report a substantial acceleration in white flight in Boston. This conclusion, however, is still disputed in a recent paper arguing that demographic change and deteriorating central city conditions can explain white flight levels without any reference to desegregation plans. (Michael R. Fitzgerald and David R. Morgan, "Assessing the Consequences of Public Policy: School Desegregation and White Flight in Urban America," paper delivered at Annual Meeting of Midwest Political Science Association," April 22, 1977.)

[55] Christine Rossell, "The Social Impact of School Desegregation," research proposal to National Institute of Education, 1974, p. 11; Kentucky Commission on Human Rights, "Fair Housing—A Better Answer than Busing," September 22, 1975.

[56] Larry H. Long and Paul C. Glick, "Family Patterns in Suburban Areas: Recent Trends," in Barry Schwartz (ed.), *The Changing Face of the Suburbs* (Chicago: University of Chicago Press, 1976) pp. 49-51. The data show net gains between 1970 and 1973 but a powerful net outward movement for young couples.

Discussion of Papers Presented by William G. Colman and Gary Orfield

by Charles T. Clotfelter

William Colman has given us a far-ranging survey of the economic and social problems besetting U.S. central cities. The problems he cites go far beyond education, and include problems of poor nutrition and health, low quality housing, high rates of unemployment, especially among young people, crime, and fiscal problems of central cities. Gary Orfield's paper, entitled, "If Wishes Were Houses, Then Busing Could Stop," is more narrowly confined to the relationships between housing segregation and housing policy on the one hand, and school segregation and school desegregation policy on the other. I would like to review a couple of points relevant to both papers and then look in more detail at the two principal policy alternatives presented by Colman.

The central city poverty cited by Colman and the residential segregation in metropolitan areas cited by Orfield can be attributed largely to a surburbanization which has been dominated by whites. It is useful, I think, to review three basic causes for this suburbanization. First, largely innocent market forces such as technological change in manufacturing and transportation have made suburban locations for employment more efficient. In addition, suburbanization has been enhanced by rising personal incomes and increased demand for housing. Second, public policy such as subsidies of middle income housing through the federal income tax and subsidized mortgages through the F.H.A. have increased the demand for single family housing. In addition, highway construction has spurred suburbanization by making suburbs more accessible. Third, there has been outright discrimination in the housing market by real estate firms and bankers, which has often been allowed to go on in conjunction with federal programs, as Orfield points out. In addition, local exclusionary zoning has had a disproportionate effect in excluding minorities from suburbs. The result of all this has been segregation of minorities which is more severe than that which would be expected purely on the basis of economic status, and there is evidence that these racial and economic disparities are probably increasing. Combined with the present policy of school desegregation which is pursued typically within central city boundaries alone, this results in increasingly non-white central city school systems and predominantly white suburban school systems. This I would characterize as the status quo which has resulted from present policy. But is clearly not the same as a *neutral* policy of disinvestment, as Colman seems to imply. That is, it is incorrect to equate the status quo and *the* disinvestment approach, as I will elaborate below.

All of this confirms the importance of going beyond the scope of *educational* policy *per se,* which is what Colman and Orfield, to a more limited extent, have done. The interaction between educational and non-educational policy could be put in the following simple way. First, there are two kinds of problems at stake: educational and non-educational problems. Second, there are two kinds of policies to use: educational and non-educational policies. One might refer to these non-educational policies as broad urban economic policy. Basically the alternative educational policies are, abstracting from Orfield's array of policies, central city desegregation (desegregation within districts) and metropolitan desegregation. These policies have educational and non-educational effects as Colman, Orfield and almost everybody else who has written in this area recognize. The alternative non-educational policies, taking Colman's terminology, are central city revitalization and disinvestment and depopulation of central cities. These also have educational as well as non-educational effects. I think it is most important to make a sharp distinction between these two pairs of policy alternatives. The choice of educational policy does not necessarily imply any broad urban policy, or vice versa.

On the question of desegregation policy, I think it is important to distinguish the effects of central city desegregation from those of metropolitan desegregation, a distinction Orfield quite clearly makes. I certainly agree with him that broadly-imposed desegregation would stabilize racial housing patterns. One could well argue that one reason the pre-1954 Southern racial patterns were so stable is that the racial composition of neighborhoods had no effect on the racial composition of schools.

Finally, on the question of broad urban policy, Colman's paper makes an important contribution. His discussion represents a forthright examination of a difficult choice. One strategy he outlines is central city revitalization, that is, attracting jobs and people back into central cities. This strategy corresponds to a recently expressed view in the literature on white flight from desegregated public schools to the suburbs and private schools: "It is not enough to simply say white flight [is or] is not increased by school desegregation. We need to know how to stop flight altogether."[1] Colman cites a number of policies consistent with this aim of central city revitalization: subsidized public development corporations, incentives for central city industrial location, subsidies for labor-intensive firms, reduction of "exorbitant" parking rates in central cities. These may represent commendable objectives, but besides being expensive in budget dollars, some of these policies are clearly inefficient. For example, a recent study has shown that subsidizing labor-intensive firms will put money in the central city sectors with the least productive possibilities.[2] And lowering parking rates will further distort resource allocation in central city transportation. In effect, we must ask the question of how much expense are we as a society prepared to bear to maintain central cities in their historic role for their own sake. In this connection, Colman's distinction between helping poor areas and helping poor individuals is quite relevant.

The second strategy Colman outlines is disinvestment and depopulation of central cities. This reminds me of cartoonist Oliphant's caricature of economic policy: "Question: When is war better than peace? Answer: When it is cheaper." The corollary in the present case is: "When is disinvestment better than investment?" The idea of letting parts of many cities decline sounds just as bad at first hearing as choosing war over peace. But the economic argument is that as a society it will cost us less to let unproductive sectors of central cities decline than to continue to prop them up. However, our policy must be concerned with how equitably the cost of such disinvestment is borne. Colman's version includes direct aid to poor individuals rather than to poor locations and a serious effort at opening housing opportunities to minorities. This I would characterize as a *neutral* policy—allow jobs to locate in the most efficient place and then break down barriers to open housing. This is *not* the status quo. Given the difficulty of open housing which is emphasized by Orfield, however, I am not sure how far this disinvestment strategy can be pushed without causing severe inequities.

In conclusion, it should be reemphasized that the choice of broad urban policy (revitalization versus disinvestment) should be quite independent of the choice of educational policy. The one that we choose need not interfere with the effort to obtain a metropolitan solution to desegregation. Again, I quite agree with Orfield that a metropolitan approach is probably the policy most likely to enhance residential integration in metropolitan areas. But I am afraid that the Supreme Court's unwillingness to open the door to metropolitan desegregation is not a result of its failure to see the residential implications of desegregation, but rather a result of its reluctance to push desegregation further than it has. To paraphrase the title of Gary Orfield's paper, "If wishes were judges then metropolitan busing could begin."

FOOTNOTES

[1] Christine H. Rossell, "School Desegregation and White Flight," *Political Science Quarterly* 90 (Winter 1975-76), 689.

[2] Andrew F. Brimmer & Henry S. Terrell, "The Economic Potential of Black Capitalism," in Harold Hochman (ed.), *The Urban Economy* (New York: W.W. Norton, 1976), pp. 239-256.

ED148935

Metropolitan Desegregation: Where Are the Courts Heading?

by Nathaniel R. Jones

In his widely quoted lecture at the Harvard Law School on the occasion of the 20th anniversary of the decision in *Brown* v. *Board of Education,* May, 1974, U.S. Court of Appeals Judge J. Skelly Wright predicted that if the Supreme Court were to hold (which it did in August, 1974) that crossing of school district lines in school desegregation cases was impermissible "the national trend toward residential, political, and economic apartheid (has) not only (been) greatly accelerated; it has been rendered legitimate and virtually irreversible, by force of law."

Justice William O. Douglas, writing in dissent *in Milliken* v. *Bradley,* the Detroit case, prophesied as follows:

> "When we rule against the metropolitan area remedy we take a step that will likely put the problems of the Blacks and our society back to the period that antedated the separate-but equal regime of *Plessy* vs. *Ferguson.*"

Within a three year period of time however, events have transpired so swiftly as to sharply awaken thoughtful Americans to the general accuracy of the two predictions. The reaction, however, has been such as to perhaps test the Wright conclusion that apartheid is "legitimate and irreversible."

There are those, particularly central city school administrators and school board members, business leaders and parents who cry out for a metropolitan solution—who were once, notably at the time of *Milliken,* strangely quiet, if not part of the cacophony of voices singing anti-busing hymns.

Swift has been their conversion. The year of *Milliken* was also the year that court-ordered, two way desegregation came to Boston. And the significance of the absence of suburban involvement in the remedy—in concrete terms became evident. The impact was more dramatic and discernible than even in Detroit at that time—for the Supreme Court's reversal was of a mere concept of interdistrict remedy—not of an actual plan. But Boston demonstrated the hard and absurd fact of *Milliken.* The city of Boston had even filed a brief in the Supreme Court calling for the inclusion of suburbs in the remedy, obviously foreseeing its own impending problems.

The assumption of responsibility for the correction of *de jure* segregation by single districts, when feasibility factors mitigate in favor of a multi-district plan, has both alarmed and educated. Thus, a formidable "lobby" is now forming that may result in a revisit to the *Milliken* standards. A fresh indication of this is the latest report of the United States Commission on Civil Rights, entitled, "Statement on Metropolitan Desegregation," published in February, 1977. Later in this paper further comment will be made on this development and the possible strategies that may aid in the effort to cut this Gordian knot.

The clearest example of our dilemma is the Detroit case—the case in which the Supreme Court made its retreat. Efforts at restoring the Constitutional rights of the black children since the decision should prove enlightening, if not exactly unforeseen.

The United States Court of Appeals for the Sixth Circuit, which had affirmed the principle of metropolitan relief (but not a plan) has been

UD017647

forced to wrestle with the consequence of the Supreme Court's reversal of its holding in *Bradley*. The plaintiffs argued to the appellate court that the plan approved by the trial court left 125 black schools in 3 sub regions in the heart of Detroit—the very area most savagely hit by the segregation policies of the state and Detroit education authorities. The following reply was given in the August 4, 1976, 6th Circuit opinion in which a remand was ordered for the purpose of dealing with the excluded schools:

> "We cannot hold that where unconstitutional segregation has been found, a plan can be permitted to stand which fails to deal with the three regions where the majority of the most identifiably black schools are located.
>
> "We recognize that it would be appropriate for us at this point to supply guidelines to the District Judge as to what he should do under this remand. Omission of such guidelines is not based on any failure to consider the problems in depth. It is based upon the conviction which this court had at the time of its en banc opinion in this case—and for the reasons carefully spelled out therein—that genuine constitutional desegregation can not be accomplished within the school district boundaries of the Detroit School District."

What did the Burger Court Say?

The majority opinion written by Chief Justice Warren Burger rejected the contention of plaintiffs and the Detroit Board of Education that education in Michigan was a state responsibility, that the various local school districts were subordinate units carved out for administrative convenience, and that they were not separate and autonomous entities within the meaning of the 14th Amendment. Furthermore, plaintiffs contended the state, which had been found culpable, must participate in the remedy. Its power and authority could not be limited to the very district lines which it drew, said the plaintiffs. The Supreme Court majority ruled, however, that without proof of discriminating actions by these individual suburbs which would have been affected by the remedy, the district court lacked equitable powers to order an interdistrict plan.

Another expressed basis of the majority's position was that insurmountable administrative and fiscal problems would arise under a metropolitan plan with the federal judge acting as a super school chief. And of course there was the question of "massive busing" which had given rise to a wave of protests throughout the Detroit metropolitan area. The court wrote, with respect to the matter of the sanctity of the principle of local control of schools, that:

> "(n)o single tradition in public education is more deeply rooted than local control over the operation of schools, local autonomy has long been thought essential both to the maintenance of community concern and support for public schools and to quality of the educational process."

The contrary of this statement is the fact. And this was clearly reflected in the record of the trial court as made during the hearings on remedy.

The *Milliken* case elicited an interesting collection of opinions from the other Justices on the Court. Justice Potter Stewart's concurring opinion has attracted a great deal of attention because his vote was the "swing" vote and there was articulated within the opinion the elements of a record that could conceivably convince him of the appropriateness of an interdistrict remedy. For instance, were the record to show that:

> "[t]here has been a constitutional violation within one district that produces a significant segregative effect in another district," or "district lines have been deliberately drawn on the basis of race," or *State officials* contributed to the separation of the races by drawing or redrawing school district lines," or State officials have "contributed to the separation of the races. . . . by *purposeful* racially discriminatory use of state housing or zoning laws."

The Indianapolis case (*U.S.* v. *Bd. of Comm. of Indianapolis,*) and Wilmington *(Evans* v. *Buchanan)* will provide answers as to whether the standard suggested by Justice Stewart will be accepted by the court majority and a more precise indication of what is required to meet it in evidentiary terms. It should be noted that Indianapolis has been remanded by the Supreme Court to the court of appeals for consideration in light of the intent standard for liability enunciated in *Washington* v. *Davis* and *Arlington Heights* v. *Metro Housing Development Corp.* Interestingly enough the 3rd Circuit Court of Appeals is about to take up the apparent conflict in the positions of the federal government as reflected by the Solicitor General's briefs in the Indianapolis and Wilmington cases. In each there has been a finding by a lower court that a state law had a discriminatory interdistrict effect. In Wilmington, the Solicitor General agreed that a substantial interdistrict violation had occurred and that, therefore, an interdistrict remedy should be provided. At the last minute, the outgoing Solicitor General, in a brief to the Supreme Court, shifted from the position the government had taken before the 7th Circuit Court of Appeals on the interdistrict effect of Indiana state law creating Uni-Gov.

The district court had earlier held the law creating Uni-Gov to constitute a *de jure* interdistrict violation. What position the United States will take before the *en banc* 3rd Circuit in the Wilmington case, scheduled for oral argument March 31, and before the 7th Circuit on the remand in the Indianapolis case, will say a great deal as to where the nation is headed with respect to metropolitan desegregation. For it is generally recognized that the United States government can be a powerful force in moving the Supreme Court to a more realistic view on the question.

This raises another area for discussion which cannot be ignored. One of the justifications the Supreme Court has advanced for placing the burden of proving causation and intentional conduct upon plaintiffs is that causes of racial concentration of black people in the inner cores of our urban areas, encircled by whites, are "unknown or unknowable." Such a view astounds, I am sure, Americans who realize that courts may and do take judicial notice of, and indulge in presumptions with respect to phenomena less historically rooted than enforced, institutional racial segregation.

We must, therefore, as we examine the question of a metropolitan desegregation remedy with a view to making it truly viable, take note of the circumstances in which the Supreme Court retreated. In doing so, we must bear in mind that prior to *Milliken* state educational officials had an affirmative duty, once a constitutional violation had been found, to eliminate "root and branch" all vestiges of segregation. The decision in *Green* v. *New Kent County* in 1968 dispelled any doubt on that point. At the time of *Brown II*, the Supreme Court had earlier declared:

> "Full implementation of these constitutional principles may require solution of varied local school problems.
>
> "Because of their proximity to local conditions and the possible need for further hearings, the courts which originally heard these cases can best perform this judicial appraisal.
>
> "Courts of equity may properly take into account the public interest in the elimination of [such] obstacles in a systematic and effective manner. But it should go without saying that the vitality of these constitutional principles cannot be allowed to yield simply because of disagreement with them."

The Supreme Court was compelled in the Little Rock case, *Cooper* v. *Aaron,* to reiterate that the federal courts were the expositors of the law of the Constitution and, therefore, of the duty which state officials have to remedy constitutional violations.

In *Louisiana* v. *U.S.* the Supreme Court declared in a 1965 voting rights case, the equitable power of a court to enforce the constitution. It wrote:

> "We bear in mind that the court has not merely the power but the duty to render a decree which will so far as possible eliminate the discriminatory effects of the past as well as bar the discrimination in the future."

In 1968, the *Green* court, commenting on *Brown I* and *II,* asserted that:

> "School boards such as respondent then operating state-compelled dual systems were . . . clearly charged with the affirmative duty to take *whatever* steps might be necessary to convert to a unitary system in which racial discrimination would be eliminated root and branch."

The Court continued:

> "The burden on a school board today is to come forward with a plan that promises realistically to work, and promises realistically to work now."

When school boards sought to limit remedies because of physical barriers and so-called isolation factors such as bridges, major thoroughfares and highways the Supreme Court recognized this as an unjustifiable and intolerable impediment to full vindication and struck it in *Davis* v. *Mobile Bd. of School Commissioners.*

As the school desegregation focus shifted north to urban areas it became apparent that the containment policies of state officials had been so complete as to make it difficult, in some circumstances, to eliminate the segregation infection within a single school district. In the exercise of their ordinary equitable powers—courts acted in the South and legislative reapportionment cases to correct abuses of the Constitution.

The *Swann* v. *Charlotte-Mecklenburg* decision teaches that so important is it for remedies to be effective that they will stand even if they are *"administratively awkward, inconvenient and even bizarre in some situations and . . . impose burdens on some; because all awkwardness and inconvenience cannot be avoided in the interim period when remedial adjustments are being made to eliminate the dual school system."*

It is apparent from this skimpy recitation of case law that by the time of *Milliken* the courts would let nothing but the most compelling state interests, or considerations of health and safety of children, interfere with their duty to eliminate unconstitutional segregation.

That being so the natural question arises: what happened to derail the forward movement? Justice Thurgood Marshall, in his *Milliken* dissent, laid out the cause:

> "Today's holding, I fear, is more a reflection of a perceived public mood that we have gone far enough in enforcing the Constitution's guarantee of equal justice than it is the product of neutral principles of law."

The "perceived public mood" must be faced squarely. For if the direction of the Court and the policy of the United States government are to be modified that "perceived public mood" has to be re-examined.

Thus, first it has to be acknowledged that the Supreme Court's majority decision in *Milliken* v. *Bradley* was the sad but inevitable culmination of a national anti-black strategy. Examination of that decision can not be limited to the majority's severely flawed construction of the record evidence, but should be also viewed in light of the political climate created by a former national administration, the head of which stands ignominiously repudiated by the nation. That climate became so polluted with hypocrisy, racism, and cynicism that the once sturdy leaves of constitutional precedent wilted.

The architects of that strategy, with the Detroit Dred Scott-type decision under their belts, frankly got what they wanted, namely, a slow-down of black advance.

Bishop Stephen Gill Spottswood, the late Chairman of the National Board of Directors of the NAACP, in his famous keynote address at the 1970 Cincinnati convention, "called the roll" on the governmental anti-black actions. That litany of wrongs included the incessant search for "strict constructionists" for Supreme Court seats, scuttling Leon Panetta and the enforcement of effective HEW school desegregation orders of federal courts, attacks on "forced integration" of the suburbs, the persistent assailing of busing as a legitimate desegregation-education instrument in the face of a unanimous favorable holding by the Supreme Court in the *Swann* v. *Charlotte-Mecklenburg* case; adopting positions that were aimed at weakening the Voting Rights Act; the legitimizing of the "benign neglect" rubbish; and opposing efforts to invest the Equal Employment Opportunity Commission with cease and desist powers in cases of job discrimination. On all fronts blacks were under siege.

So this leads us to racism, the bedrock problem. And there is the inevitable question: What is a minority group to do when it has been stripped of its legal remedies? The advice given to this nation by the National Advisory Commission on Civil Disorders in 1968 was that there must be remedies available for the solution of grievances: that, when the legal channels become clogged or are otherwise rendered ineffective, people are likely to take extra-legal steps to deal with their oppression. It seems that the holocaust of the Sixties is, some mistakenly feel, sufficiently remote in time to allow people to smugly ignore that advice. Yet the lesson of the Sixties will be ignored at an enormous risk. Splitting our cities and suburban areas into racial enclaves will accelerate apartheid. Making sanctuaries of our suburbs, cutting off black people from job opportunities and more generous educational resources is to invite disaster.

Later in this paper is a discussion of the precedents that led the lower courts dealing with *Milliken* to determine in 1972 and 1973 that a metropolitan remedy was required. Let us here first examine some facts about the Detroit metropolitan area. These are not unique to Detroit, but may be considered typical of most urban areas. Consider these facts:

- Many pupils in the metropolitan Detroit community already cross school district lines to attend school or receive educational services on an interdistrict basis.
- The metropolitan Detroit area has been labeled by the Bureau of the Census as a Standard Metropolitan Statistical Area because of the high degree of interaction among the populace of the tri-county (Wayne, Oakland and Macomb) area.
- Recognizing the interdependence of its citizens, the Detroit metropolitan community has joined together in establishing the Metropolitan Detroit Water System.
- The metropolitan Detroit community has joined together to establish a joint transportation system known as the Southeastern Michigan Transportation Authority.
- The metropolitan Detroit community has joined together in establishing a Metropolitan Sewage System.
- The metropolitan Detroit community has joined together in establishing a metropolitan park authority known as the Huron-Clinton Metropolitan Authority.
- The local governments have recognized their interdependence by creating the Southeastern Michigan Council of Governments.
- The school authorities have recognized the metropolitan nature of education by creating intermediate school districts which provide educational services on an interdistrict basis in each of the three counties.
- A number of school districts encompass more than one city. For example, Grosse Pointe Public School System encompasses five separately incorporated cities (Grosse Pointe Shores) and part of a sixth (Harper Woods), most of which have at least one common indistinguishable pavement border with the city of Detroit.
- Thirty-three point eight percent (33.8%) of workers living in Oakland County were employed in Wayne County and forty-four point two percent (44.2%) of workers from Macomb County worked in Wayne County, Wayne County being the county in which Detroit is the dominant city.

Also, footnote 47 of the plaintiffs brief to the Supreme Court made the following historical and factual points:

> "The particular welter of eighty-five school districts in the Detroit area is not necessary to promote any legitimate purpose. First, the school district boundaries are largely unrelated to other local governmental entities. District lines coincide with municipal boundaries in only ten instances. Seventeen districts lie in two counties, two in three counties. Two districts are totally surrounded by the DSD; another is bordered on three sides by the DSD. One district serves five municipalities; while other suburban municipalities are fragmented into as many as six school districts. There is a total lack of regularity in the shapes of these districts and their size ranges from 2,000 to 285,000 pupils; and over the past decades, the State has regularly altered school district boundaries to suit its own purposes . . .
>
> "Second, the school districts and their boundaries were shown to be administrative conveniences. The State has not hesitated regularly to cross or alter these lines in countless instances for a variety of educational purposes. The State has been careful to preserve its ultimate authority vis-a-vis the local districts; and the State has provided detailed statutory guidance to the local districts and has used its ultimate power to reverse any decision of a local district with which it took exception. In Michigan local school districts are creations of the State designed to assist in administering the State's system of public schooling."

Faced with the realities of Detroit life, and the strange interpretation put on these realities by the Supreme Court, the district court and the court of appeals, post-*Milliken* have been grappling with the difficult problem of seeking to vindicate the rights previously held to have been violated.

The plan adopted by the district court for 1976, pursuant to the Supreme Court mandate, impacted on a system numbering 247,774 students, 75.1 percent black. Of the 28,000 students reassigned, 22,000 required bus transportation.

The plan contained, as the court of appeals said, " glaring defects that could never pass constitutional muster and would not be countenanced by this court in a different factual situation." In other words, the Supreme Court's restrictions on interdistrict relief is compelling lower courts to trifle with the constitutional rights of minority children.

Louis T. Martin, head of the 10-member Sengstacke chain of black newspapers, made an accurate observation on school desegregation problems recently in a letter to a friend. He wrote:

> "What is happening in and about the schools seems to have no relation to the actual situation, but represents a manipulation of the truth—a sort of cynical, political and academic sleight of hand aimed at deceiving people about the possibility for change. The result is unnecessry anger, frustration and disillusionment with the schools, with government and with the courts."

The accuracy of Mr. Martin's characterization makes it necessary to deal with those factors he raised if the problems of metropolitan-wide desegregation are to be met. This means that national leadership is required—from President Carter, the Secretary of Health, Education, and Welfare, the Attorney General, the Congress, state governors, education departments, and legislative units.

The President must set a new tone in order to offset the stridency and demagoguery of the Nixon-Ford years, and the shame of the Justice Department aligning itself with anti-integration forces. The Congress needs to cease reacting to the negative elements in the country and withdraw restrictions on the use of federal funds for bus transportation in systems facing desegregation. Also, funds to facilitate the process must be appropriated.

HEW through its new Secretary, Joseph Califano, has given strong indications of its intention to enforce the provisions of Title VI of the 1964 Civil Rights Act. In fact, action has already been undertaken to do so. The Office for Civil Rights of HEW needs to update the guidelines to include the legal standards as enunciated by the Supreme Court in *Keyes* v. *Denver* and subsequent cases. By doing so and then enforcing those guidelines with imposition of sanctions if need be, including the deferral or cut off of federal funds. And in addition to all of these steps the Justice Departments must be prepared to initiate its own suits and to intervene on behalf of minority litigants.

If this is done the climate that led the Supreme Court to hand down its aberrated *Milliken* decision may become cleansed and permit the High Court to take a fresh look at the consequences of its 1974 ruling.

Whether all of this can be done in time to be reflected in the Supreme Court's disposition in the Indianapolis and Wilmington cases may depend on the timing and place of proceedings in the lower courts. What is certain, however, is that the prophecy of Judge Wright on urban apartheid will certainly come true unless the Berlin Walls of local school districts are treated as other than impenetrable barriers.

What is even more ominous, moreover, is that a prediction, made by a judge at an earlier time—in another case *Plessy* v. *Ferguson,* in 1896—will be borne out again:

> "[i] in my opinion, the judgement this day rendered will, in time, prove to be quite as pernicious as the decision made by this tribunal in the Dred Scott case.

And as we know, Dred Scott, a black, was held to be chattel, and possessed of no rights that a white man was bound to respect. There is no difference between this condition and that of the 125,000 black children in the Detroit school system for whom a remedy has not yet been fashioned because of the denial of an interdistrict remedy. Likewise, for the hundreds of thousands of minority children contained in the urban schools of our nation by *de jure* policies and practices, the promise of *Brown* will prove empty and illusory.

ED148936

The Desegregation of School Systems: Where the Courts Are Headed

by Daniel D. Polsby

The purpose of this paper is to discuss where the courts are going with the desegregation of urban school systems; and it must be admitted at the outset that no one knows the answer to that question with any degree of certainty, not even, probably, the Supreme Court of the United States. Among the factors that make for this uncertainty are (1) doubt concerning the substantive policies of the 14th Amendment in relation to school systems; (2) doubt concerning the proper interpretation of various legislative policies, embodied in statutes such as the Civil Rights Act of 1964; (3) evidentiary difficulties—how one proves to the satisfaction of a court that one or another state of affairs did not just happen, but was produced by some redressable, unconstitutional official activity, and (4) the increasingly difficult process of balancing values as civil rights policies clash with other important legislative or constitutional objectives—a difficult issue with which I do not deal. Some of these problems are more current than others; and some of them have been with us, essentially, always.

The interpretative scope of the 14th Amendment is, of course, a problem that has been with us from the beginning. What does it mean to promise that the states will deny no person the equal protection of the laws? The Supreme Court's impulses in regard to this question have not been simple: indeed, even today, after more than 100 years of sometimes intensive litigation the answer is far from clear. In 1880, the Court reversed the murder conviction of a West Virginia defendant who was tried by a jury from which black jurors had been excluded by law. The Court's opinion recognized that one of the chief purposes of the 14th Amendment was to protect what it called "the colored race" "against unfriendly action in the States where they were resident. It was in view of these considerations that the Fourteenth Amendment was framed and adopted. It was designed to assure to the colored race the enjoyment of all of the civil rights that under the law are enjoyed by white persons."[1]

The Supreme Court spoke to a similar sort of problem in the 1886 case of *Yick Wo* v. *Hopkins,*[2] in which a Chinese laundryman was convicted pursuant to a San Francisco ordinance requiring that permission be obtained from the Board of Supervisors by anyone intending to open a laundry business in a wooden building. Although permission was invariably granted to applicants of the Caucasion race, permits were always denied Chinese applicants. Under these circumstances, Yick Wo's conviction could not be allowed to stand.

A much harder case is put by a properly-administered statute that contemplates equal treatment of the races but nevertheless mandates their separation. Was there anything about separation, in and of itself, that had any necessary implication for the concept of constitutional equality? This question was put in the case of *Plessy* v. *Ferguson,*[3] in which the Court accepted the statutory formula of "separate but equal" as an adequate legislative response to the command of the Constitution that no person should on account of race be deprived of the equal protection of the laws. *Plessy* involved a Louisiana Statute which forbade white and black patrons of a common carrier from riding together in the same coaches. The Court categorically

UD017648

denied "the assumption that the enforced separation of the two races stamps the colored race with the badge of inferiority." If there is any racially discriminatory charge to the concept of "separate but equal," said the Court, "it is not by reason of anything found in the act, but solely because the colored race chooses to put that construction upon it."

Plessy was the target at which the litigation which culminated in *Brown* v. *Board of Education* was aimed. But in defense of the Court at that time, it might be said that it was unused to the social and political second-sight that we take for granted in judges today. *Plessy* was decided in an age of legal formalism; and it concerned a rule, symmetrical on its surface—that black and white passengers should have separate but equal coaches to ride in—which the Court could not translate into an affront to the values of the 14th Amendment without looking behind the statute to the minds of the legislature, the hearts of the country, and the practical realities over the long pull of "equality" in the context of "separation," given the history of the United States. It is not absurd to think, for example, that a society might exist in which the idea of "separate but equal" imported no more than what it said, and left no invidious or objectionable aroma when invoked. In the United States, for example, men and women have separate—and roughly equal—lavatory facilities in public places, and no one believes that separation of that sort carries any inevitable tincture of unfairness. But given the history of the United States, "separate but equal" is an improbable concept. The trick was to get the courts to define their role in relation to the interpretation of constitutional text broadly enough that they might look at the interior, social dimensions of a statute as well as the surface dimension of what it says (and how it says it).

There were two things against *Plessy* that can be seen in retrospect to have doomed the "separate but equal" rule which it announced. The first of these was simply the passage of time. "Separate but equal" might well mature into a nest of doubts and questions if, over a period of time, the separation were maintained but equality in fact–in schools, in public accommodations, in job and enterprise opportunities and in governmental services of practically every kind–continued to be an unrealized idea. The second factor, which I believe to be largely unrelated to the first, was more in the realm of ideas than practicalities. In the early 1900's, the Supreme Court was just beginning to head into one of its most exhaustive episodes of hyperactivism, taking up the cudgels of Spencer's *Social Statics* against the reform-minded legislatures of state and national government. The heady allure of the enterpriser's creed was just right to goad a court which had been going through a period of quiescence into an activist attitude from which it has never quite receded.

At the same time the Supreme Court was establishing its pontificate over the American economic creed, there began to stir a group of lawyers and judges who felt themselves out of sympathy with the formalist, highly metaphysical ideas of the 19th century about the nature and purpose of law. These thinkers marched under the banner "legal realism," a misleading term, since the realists did not all believe in the same things; but several habits of mind held them together, and one of the most characteristic of these was a notion that because law is a practical social tool rather than a dry codification of perennial (if not universal) truth, courts and lawyers ought to go beyond the narrow business of parsing the words of various sorts of legal documents, and make broad reference to and argumentative use of the materials and insights of other disciplines, especially sociology and economics. Louis Brandeis, almost as influential as a lawyer as he later became when appointed a judge, set the pace for the new style of looking at statutory materials by the instrument which has always been referred to since as the "Brandeis Brief." Brandeis Briefs are critiques of statutes and their effects, rather than mere rehearsals of the relationship, if any, between the words of a law and prior holdings of courts.

It took forty years following *Plessy* for a significant challenge to its doctrine to develop; but in 1938 came the first of a series of cases in which we can now see the tide that carried *Plessy* away and inaugurated the modern doctrine of equal protection of the laws. Ironically, this case simply insisted that separate but equal mean what it says. *Missouri ex rel. Gaines* v. *Canada*,[4] concerned a black applicant to the University of

Missouri Law School, an institution which, pursuant to the laws of the state, was open only to white law students. No provision had been made by the Missouri authorities to provide a law school in which black students could receive a "separate but equal" professional education. The authorities agreed to give Gaines the tuition if an out-of-state law school would admit him; but the Supreme Court ruled that if separate but equal meant anything, it meant that the state was obliged to deliver on the promise of equality within its own borders. If it would not make separate but equal provision for black law students, then it must admit such students to the institution that was open to white students.

If *Gaines* advanced the idea of equal protection by requiring that some substantive content be given to the premise of equality, it failed to ask an obvious question that lay quite near the surface of the case,[5] that was, indeed, implicit in Mr. Justice Harlan's dissent in *Plessy:* how could a separate "black" law school possibly offer an "equal" education to the "white" institution if the former had been established and maintained in order to prevent its students from commingling with white law students. The separate school could not possibly be equal to the white institution in terms of traditions of academic excellence, prestige and influence of alumni, and vital facilities–especially library facilities–which take many years to develop. Furthermore, as all lawyers know, informal contact between students is an important part of socialization to the norms of the profession. In a certain sense one could say that the practice of law depends in considerable part upon the rumors and stored-up wisdom of the school-chum network–that is how people get jobs, change jobs, and jockey for and obtain professional honors, influence, clients and opportunities for public service. Separate law schools for black students effectively cut black lawyers out of the economic, social and political mainstream of their time and place. When the Supreme Court brought itself to see the force of such arguments, in the 1950 case of *Sweatt* v. *Painter,*[6] the fall of the doctrine of separate but equal was at hand. The logical mechanism which led to the change in result from *Plessy* to *Sweatt* was the Supreme Court's view of its role in assessing underlying social realities in the arena of racial legislation. From an exceptionally chaste refusal to look to the commonly-understood meaning of enforced racial separation in *Plessy,* the Supreme Court came to the attentive and skeptical posture of sifting facts and circumstances in the legislative environment and deciding for itself whether, in light of these facts and circumstances, a given legislative policy was in conflict with the 14th Amendment.

The job of persuading the Supreme Court to take a relatively more expansive view of its power to recognize legislative facts paved the road to *Brown* v. *Board of Education,*[7] . By the time *Brown* was decided, it was clear that the "separate but equal" doctrine no longer would wash; the Supreme Court had not, by 1954, sustained legislation on the "separate but equal" premise for many years; had, indeed, repeatedly rebuffed attempts by various states to rely on that doctrine.[8] But the Supreme Court in *Brown* might well have limited itself to deciding that "separate but equal" had been a hollow slogan for so long in connection with the public schools that school officials were no longer at liberty to strive for the ideal which the "separate but equal" notion imports. The *Brown* Court was, as it turned out, a little more ambitious than that. It included in its opinion a discussion of the relationship between the terms "separate" and "equal," and concluded, "Separate educational facilities are inherently unequal." In short, the Court found that the very idea of unequality is *contained* in the fact of separation. This has been, perhaps, the most morally influential pronouncement by the Supreme Court in our time. It is also a pronouncement rich in ambiguity of portent and promise—ambiguity which is with us still.

We can appreciate the ambiguity of *Brown's* holding by asking: if racial separation was damaging to black children (as the *Brown* Court had asserted), then what difference would it make how the separation had come about? If racial separation was itself an injury, then it should make no difference whether this separation had been produced by numerous parallel private actions, i.e., to select housing in a racially homogenous (white) suburb, or by outright maintenance of dual school systems. The distinction between *de facto* and *de jure* segregation becomes an important issue in later cases, as courts consider whether there is a tenable constitutional distinction between *de facto* and *de jure* separation of the races, and if so, how the line between them shall be drawn. Although this difficulty had been in the cases since *Brown*, it was not resolved immediately after that case was decided. Instead the Supreme Court had an earlier order of business to conclude—compliance with and implementation of the decree, handed down the year after *Brown*, that states must integrate their school systems under the supervision of the federal district courts. The essential interest that was being protected, said the Court, was "the personal interest of the plaintiffs in admission to public schools as soon as practicable on a nondiscriminatory basis." And how soon was "as soon as practicable"? According to the Court, "with all deliberate speed."[9]

The term "deliberate speed," apparently borrowed from the vocabulary of the Chancery courts of the United Kingdom, was perhaps as good a way as any to denote the Supreme Court's desire that, with due regard for orderly procedure, schools should be swiftly desegregated. The states' response to the injunction to proceed with "deliberate speed" was, frequently, to proceed as slowly and dilatorily as possible. In parts of the South, there was some talk of "massive resistance" to the Court's order in *Brown*: and "deliberation" came to be the official explanation for deliberate delay in implementing the Supreme Court's mandate.[10] But the Supreme Court was not without allies, among them time, the United States Congress, and Presidents Kennedy and Johnson. Increasing federal involvement in local education—especially its financing—together with the "strings" (or eligibility rules) always attached to such financing,[11] meant that "massive resistance" as a long-term way of life, was quite clearly impossible. No single state could successfully stand up to all three branches of the federal government, and certainly no city or county school board could; so the public authorities in a number of places hit upon strategies that were designed to test whether school districts could be segregated by race in practice and yet not be in violation of *Brown*.

The centerpiece of this strategy was a concept known as the "freedom-of-choice" plan. In a "freedom-of-choice" plan, students (and their parents), regardless of race, are entitled to choose which school the student shall attend, subject, perhaps, to certain race-neutral qualifications (such as, for example, "first come, first served.") "Freedom of choice," like "separate but equal," is completely without invidious taint on its surface. But like "separate but equal," "freedom of choice" turned out to have a life of its own going on beneath its neutrally-worded facade.

"Freedom of choice" plans, to summarize the attraction that they held for a number of southern school boards, in practice produced racially segregated schools nearly as efficiently as formal segregation laws had done. Just as important, "freedom of choice" was palatable to some courts, such as the United States Court of Appeals for the 4th Circuit, which had held "freedom of choice" to be consonant with the 14th Amendment in *Swann* v. *Charlotte-Mecklenburg Board of Education*,[12] a distant ancestor of the famous Supreme Court case of the same name.

The concept of freedom of choice brought the Supreme Court to a crossroads. What, after all, should the policy of the 14th Amendment be? Should the equal protection of the laws require that segregated schools be dismantled or simply that segregative activities by officials be discontinued? Reasonable courts might differ in their answer to this question; but what probably made the choice somewhat easier for the Supreme Court was the practical probability that racial separation in southern schools would be permanent if "freedom of choice" were held to be within the 14th Amendment. It could accept this interpretation only at great cost to its moral influence. Great costs would attend this principle's rejection also, because the vexacious (if inevitable) corollary of holding "freedom of choice" unconstitutional is to identify actual integration achieved (which is not in itself a substantive right under the Constitution) as the index of the substantive constitutional right.

In *Green* v. *County School Board*,[13] the Supreme Court took this more ambitious interpretation of the equal protection clause, logical corollaries and all, and rejected the concept of freedom of choice. The Court held that such plans would not answer the requirements of *Brown* unless they produced racial integration; that *Brown* is not merely a passive command to quit discriminating; given a long-entrenched segregated school system, that sort of response would change nothing at all. Given the premise that a dual school system violates someone's constitutional rights, the remedy must be to un-do the violation. According to the *Green* Court, the 14th Amendment charged school boards in formerly segregated districts "with the affirmative duty to take whatever steps might be necessary to convert to a unitary system in which racial discrimination would be eliminated root and branch."

This ruling was followed three years later by another, *Swann* v. *Charlotte-Mecklenburg Board of Education,*[14] the first of the urban desegregation cases, which have dominated the Court's school desegregation business ever since.

Swann was an important case for several different reasons. First, it affirmed the proposition, which had been suggested by the remedy phase of *Brown,* that the district courts, as courts of equity, had powers, as broad as necessary to the purpose at hand, to remedy segregated school facilities. In a sense, *Swann* repeated what had been put forth in *Green*: that the test of a desegregation plan's compliance with the Constitution is whether it produces racially integrated schools. But the Court protested that mere racial isolation, in and of itself, could not be taken as evidence of constitutionally redressable official misconduct. The importance of this observation, at least from a historical viewpoint, is hard to overestimate; for it makes it clear that the Court has a limiting principle in sight which will, hereafter, inform the decision of the cases being brought before it. For the first time in *Swann,* the Court was faced with "the familiar phenomenon that in metropolitan areas minority groups are often found concentrated in one part of the city." In other words, there may be racial isolation which is not "segregation": "The existence of some small number of one-race, or virtually one-race schools within a district is not in and of itself the mark of a system which still practices segregation by law."

This conclusion may seem obvious. But it has very great practical implications for the litigation of cases in the realm of evidence. How does a plaintiff show that his constitutional rights have been violated by the government? In school districts which maintained segregated dual school systems, the problems of proof are relatively simple: they were in *Swann,* which concerned a school district in North Carolina. But in school systems outside the southern and border states—the systems which would become the focus of organized civil rights litigation in the coming years—cases would be won or lost on the basis of what inferences might legitimately be drawn from development of statistical evidence proving racial isolation in the schools. There is a tension, then, between the holding of *Swann* and an implication of its opinion. The test of a desegregation plan is whether it produces statistics which show integration; and yet the existence and proof of statistics showing considerable racial isolation in schools is not enough to make a *prima facie* case of discrimination.

This tension is not, however, clearly illogical. The conclusion is that racial isolation is not in and of itself a constitutional wrong, and will only be considered an incriminating circumstance when and if additional evidence can be adduced which will establish some sort of connection between the isolation and racially discriminatory designs by public officials. One radiation from this holding implicates the substantive definition of the constitutional wrong: "segregation," the thing which the Constitution prohibits and the courts will redress, means something considerably narrower than merely the doing of acts by officials which will have the effect of producing or acquiescing in racial separation. As Mr. Justice Douglas' separate statement in a later case, *Keyes* v. *School District No. 1, Denver, Colorado,*[15] the government has it in its administrative power to end a great deal of racial isolation by the ways in which it manages the creation and maintenance of school attendance boundaries, and more broadly, in the ways that it administers or seeks adjustment in tax laws, building codes, zoning policies and such like. In some sense, it is not irrational to impute the existence of racial isolation either to affirmative action by some instrumentality of government or, at the least, to passive acquiescence in, and failure to do anything about, developing patterns of racial isolation. The *Swann* case refocused and redefined (if only by implication) the ambiguous nature of the substantive right vouchsafed by the 14th Amendment.

There was always from the time of *Brown,* a deep ambiguity concerning the nature of the wrong, for the early cases were easy ones, assuming the illegitimacy of "separate but equal," in which hard questions did not need to be asked. It is easy to see unconstitutional behavior in a school board which, for example, assigns students to one school if they are of one race, but to another school if they are of another race. But suppose the wrong is defined more broadly: suppose we say the wrong is the establishment or maintenance of racially separate schools; then the criteria of selection, however neutrally worded, would not be a defense: would be, indeed, irrelevant. If the wrong is defined more broadly in this way, it becomes the constitutional version of what lawyers call a "malum prohibitum,"—something like maintaining a nuisance or a firetrap. Proof of intent would be irrelevant; "mala prohibita" can be punished or abated by the courts without proof that anyone "intended" the violation to occur (in the sense that the violation was the motive for the action). *Green* could be read to hold that the wrong was defined in this broader way.

But *Swann* did not follow this emanation of *Green.* At least twice in the Court's opinion it made reference to its focus on segregation *by law* or the formal maintenance of dual school systems, as if to invite a question whether it might not, when put to it, pull away from "broader wrong" definition implicit in *Green.* The Court paused until the 1975 term before answering this speculation: that a violation of a person's constitutional rights under the Fourteenth Amendment requires some actual discriminatory purpose by a government official. The mere imposition of rules which have a racially-disproportionate impact does not, in and of itself, constitute a wrong. So held the Supreme Court in *Washington* v. *Davis,*[16] which was not a desegregation case at all, although its holding will have important implications for almost all equal protection cases hereafter. *Washington* was an employment testing case which concerned the constitutionality of a written examination administered to applicants for positions as policemen in Washington, D.C. Black examinees failed the examination, and thus were ineligible for the jobs, at about four times the rate of white examinees. Had the employer been under the jurisdiction of the Equal Employment Opportunity provisions of the 1964 Civil Rights Act, it could not have used such a test as a personnel-selection criterion unless it could show that the examination was in fact a valid measure of the characteristic being tested; the employer would also be required to explain the relationship between the abilities being tested for on the examination and the traits of personality and mind that are useful in the job. The test was adopted and continued even though the police department knew, through their own past experience with the examination and through the long experience of the U.S. Civil Service Commission, which had developed the test, that black examinees would fail the examination at roughly four times the rate of white examinees. Here, quite clearly, was "intent" in the sense of forseeability; the U.S. Court of Appeals for the District of Columbia Circuit thought this fact alone to be enough under the Constitution to place on the authorities an obligation to justify in detail the relationship of the test, not merely to success in police cadet training, but to performance as a police officer. The Supreme Court, in disagreeing, seems quite to have announced a constitutional definition of equal protection more narrowly focused than might have been expected on the basis of, for example, the *Green* case.

The first important school desegregation case concerning an urban school system in the north was the *Keyes* case,[17] which was important chiefly for the novel evidentiary issues which it presented. For the first time, the Supreme Court was faced with a school system in which there had been considerable racial separation—and separation of Hispanic ethnicities also—without there ever having been a *de jure* segregated school system—at least, not one similar to those that had been established by law in the southern and border states until 1954. But the plaintiffs sought nevertheless to establish that, in spite of there never having been a formal dual system in Denver, there had been purposefully discriminatory acts, resulting in racial isolation, in one section of the city by the manipulation of attendance zones, selection of school sites and maintenance of a so-called "neighborhood schools" policy.

The Court set to one side the concept of neighborhood schools, finding it possible to say its piece without responding to the challenge of the petitioners that the maintenance of a neighborhood schools policy, if it will result in any significant amount of racial isolation, was itself unconstitutional. Instead, it merely held that a finding of *de jure* segregation in a school system could be made by a district court if some connection could be established between the separation of races in the school system and a systematic pattern of school board policies apparently designed to produce the result of racially separate schools, facilities or staffing.

Assuming that these findings are made, it remains to be considered what sort of response the courts may invoke by way of a remedy. The Court saw no reason to vary the pattern established in the southern school district litigation over the past twenty years: racially discriminatory acts in one attendance district will affect the racial mix in other attendance zones as surely as ripples spread on water. A finding of *de jure* segregation brings into play the full spectrum of equitable powers with which district courts are endowed.

From the *Keyes* case it can be rather clearly seen what the relationship is between the evidentiary issues that enter into this sort of litigation and the substantive rights that are being contended for. The petitioners in *Keyes* were impliedly asking for the broad substantive right to have redressed official acts which would foreseeably produce race separation. This is a materially different standard from one which holds to be illegal only acts taken *for the purpose* of producing racial separation. It may seem a quibble to make anything turn on this small distinction, but from the point of view of lawyers litigating these cases, the difference is important. It is very easy to prove that certain officials' acts were undertaken under such circumstances that the officials concerned knew or should have known that racial separation would result from the decision. It is very difficult to prove the existence and content of ulterior motivations of public officials. In fact, proof of what is going on in a person's mind is, strictly speaking, impossible. Since the key element of proof necessary to trigger relief is not susceptible to proof by direct evidence, it was a matter of extraordinary importance to find out what proof, exactly, could be entertained as tending to prove the existence of an unconstitutional motivation for legislative or administrative action. The Supreme Court withheld significant guidance on this issue for four years, until *Village of Arlington Heights* v. *Metropolitan Housing Development Corporation.*[18]

Arlington Heights is not a school case, although it is likely to be as important a case for the litigation of school desegregation matters as if it were: the dispute arose when the village, a suburb northwest of Chicago, refused to alter its zoning in order to permit the building of relatively high density, low- and moderate-income dwelling houses. The developers brought an action to establish that Arlington Heights had been motivated in its refusal to grant the re-zoning by a discriminatory purpose. In discussing how one goes about establishing an unconstitutional state of mind, the Court said:

> Determining whether invidious purpose was a motivating factor demands a sensitive inquiry into such circumstantial and direct evidence of intent as may be available. The impact of the official action,—whether it "bears more heavily on one race than another," . . .—may prove an important starting point. Sometimes a clear pattern, unexplainable on grounds other than race, emerges from the effect of the state action even when the governing legislation appears neutral on its face . . . The evidentiary inquiry is then relatively easy . . . . The historical background of the decision is one evidentiary source, particularly if it reveals a series of official actions taken for invidious purposes . . . . The specific sequence of events leading up to the challenged decision may also shed some light on the decisionmaker's purposes . . . . Departures from normal procedural sequence might also afford evidence that improper purposes are playing a role. Substantive departures too may be relevant, particularly if the factors usually considered important by the decisionmaker strongly favor a decision contrary to the one reached. The legislative or administrative history may be highly relevant, especially where there are contemporary statements by members of the decisionmaking body, minutes of its meetings, or reports. In some extraordinary circumstances the members might be called to the stand at trial to testify concerning the purpose of the official action.

If *Arlington Heights* makes it clear that extensive evidence may be received on the elusive "purpose" issue, it leaves it quite vague what it would consider adequate to meeting the ultimate burden of proof. Indeed, the litany of evidentiary circumstances—the historical context, the administrative or legislative history, the regularity (or irregularity) of the government action—are all vague, hard-to-manage categories. It remains for further litigation to establish what they mean. The notion that a public official may be placed upon the stand in a trial and asked what his agency's intentions were by doing or not doing something which had a "racially disproportionate impact" is especially intriguing. It is to be assumed that, notwithstanding the Court's seeming reservation of this tactic to the "extraordinary" case, the "purpose" testimony of public officers is likely to become a stable feature of desegregation litigation in the future.

The substantive definition of the underlying 14th Amendment right is not important only to the evidentiary aspects of establishing a case. It is also germane to the question of remedies as well, for as the Court makes clear both in *Swann* and in the Detroit case,[19] the scope of the district court's equitable powers depends on the extent of the constitutional violation—which in turn depends on the *definition* of the constitutional right. If the design is to break up racial isolation by court order, it is necessary in the context of urban school systems to define the right as broadly as possible in order to give the courts the maximum of flexibility to frame a remedy. The most important constraint by far on courts' remedial powers has been racial separation in living arrangements. A most powerful demographic thrust in the past thirty years has been the migration of large numbers of black families into the cities of the North, and the more or less simultaneous emigration of white city dwellers into the suburbs. Some school systems are segregated by geo-political boundaries. If one takes a narrow view of the constitutional right, racial isolation in urban school systems is not a redressable state of affairs. If, however, one believes that political realities are such that racially separate school systems are going to be unequal—the all white systems educationally superior to the all black ones—it is important to define the right broadly enough so that once its violation is shown, it becomes possible for the district court to order an effectual remedy.

Milliken v. *Bradley* produced a narrower view of the constitutional right. In that case, the court had ordered cross-district busing, that is, that certain school districts in Oakland and Macomb counties, two largely white suburban areas north of Detroit, exchange students with the largely black inner city schools. The Supreme Court held that unless constitutional violations were found in more districts than one, the remedy would have to be limited to the district in which the violation was found. In effect, *Milliken* greatly complicates the plaintiffs' case in an urban desegregation case, for it requires the proof of official acts with a discriminatory purpose go to both black and white school districts in order to clothe the court with power to order the merger of the two.

Pasadena City Board of Education v. *Spangler,*[20] decided by the Supreme Court at the end of the 1975 term, imposes still another limitation on the power of district courts to deal with racial separation apart from evidence of a constitutional violation, as narrowly defined. There the question presented was the longevity of a desegregation decree. How long does the district court's equitable jurisdiction over the school system last? If, after a decree is framed and carried out dismantling an unconstitutionally segregated school system, the residents of the city essentially re-segregate themselves by changing their neighborhoods, does the district court have the power under its retained jurisdiction to order still further changes in the school system in order to compensate? The district court in *Pasadena* had interpreted his mandate under the Constitution to assure that no school in the city would have a majority of any minority during that judge's lifetime. This position is consistent with the broader substantive right which can be distilled from *Brown* and *Green*; but the Supreme Court's clear repudiation of this standard is more nearly consistent with the narrower view. In effect, the Court held that just as some segregative act is necessary to let the district court's supervisory powers at large, so once a remedy has been implemented by the court, those powers terminate; the genie of equity returns to his bottle.

One of the still-open issues in the cases that may turn out to be more important than the others is the extent to which the segregative activities of one part of the government may be imputed to another part. After all, housing patterns, the routes new freeways will take and the location of urban renewal areas, zoning and tax policies can all have a profound effect on living patterns, which may show up in racial separation in the schools. It seems not illogical to suppose that some such evidence could usually be adduced in order to establish the administrative background or historical context of a challenged racial maldistribution in a school system. But how far such evidence will go to actually proving the case is another question entirely, and one on which no one can speak with much assurance. A clear holding that the actions of one part of the government ought to be attributed to others would have a terrific impact. Until the late 1940's, it was official policy at FHA to extoll ethnic homogeneity in neighborhoods, and, it has sometimes been asserted, to guarantee loan money on the premise of this policy. Since people, as we know, change where they live quite seldom, it is reasonable to suppose that policy decisions abandoned twenty or thirty years ago may still be having a continuing impact on racial separation in many places. Could such actions by federal, or more likely, by state housing or zoning or urban planning agencies be imputed to the school authorities, at least in the sense that, when a background of such policies is shown to have been the cause of any significant amount of racial separation, the school authorities would have the duty to take affirmative steps to overcome the racial effect of these policies? While the imputation of discriminatory purpose from one agency of government to another for purposes of establishing the latter's duties under the Constitution does not in any sense breach the principle that there ought to be a distinction between *de facto* and *de jure* segregation, it makes proof of the case simpler and less prone to reversal on appeal if this imputation is clearly allowed.

There are hints in *Washington* v. *Davis* and *United Jewish Organizations of Williamsburg, Inc.* v. *Carey*,[21] of what the future may hold for the courts in the formation and execution of race policy under the 14th Amendment. While the 14th Amendment will be just as central as ever, it is likely to be the Congress rather than the Court which will make the next major move. The Constitution furnishes a narrower footing for claims of racial or ethnic minorities than a statute, defining both the right and remedy. The complex interrelation between the rules of evidence, the definition of the substantive rights and the scope of permissible remedies as defined by the Supreme Court in the school desegregation cases during the past 20 years almost requires that, at some point, Congress should be summoned to articulate the policy with a greater degree of clarity than has been done hitherto by the Courts. The aim, ultimately, of school integration is the enrichment of educational opportunities for school children. How that vague concept should be defined, and in what respects it is inconsistent with racial separation in schools, is more a legislative than a judicial task. And, as if in recognition of this assertion, the Court has taken a largely deferential posture to congressional definitions of and remedies for constitutional rights. In *United Jewish Organizations*, a majority of the Court apparently accepted the notion that race could properly be taken into account in drawing boundaries of election districts under Section 5 of the Voting Rights Act. The power to use such race-conscious remedies does not, however, arise until some triggering event—some suspect pattern or practice with a discriminatory effect—has occurred; but that suspect event is defined, not by the Supreme Court under the 14th Amendment, but by the Congress itself. Hence, New York's failure to print bi-lingual ballots in several districts with a large Spanish population made New York subject to the special supervision of the Justice Department, not by declaration of the Supreme Court but by act of Congress. Mr. Justice Brennan's thoughtful separate opinion seems to recognize the distinction pretty clearly between race based remedies undertaken pursuant to legislative authorization and those developed absent such authorization. And while he expresses unmistakable doubts about the propriety of using racial quotas generally, their use in the present application of the Voting Rights Act is allowable.

If it seems to be anomalous that a campaign for the vindication of a constitutional right should lead to the legislative branch of the government, it should be considered against the background of more than a generation of school desegregation cases. While there has been no shortage of constitutional principles developed in that generation's harvests of judicial opinions, the ultimate end in view—securing a sound and broadly based education to as many children as possible—is a vision inherently beyond the judiciary—beyond, that is, authoritative extrapolation from general principles. Because education is, at bottom, defined culturally, those people who want it for their children must ultimately be consulted about how "education" should be defined—what subjects should be studied and for how long, what books should be read, what poems learned. It would seem most fair, therefore, that the policy be articulated in legislation and subjected to continuous accountability from the public, its ultimate consumer.

FOOTNOTES

[1] *Strauder* v. *West Virginia,* 100 U.S. 303 (1880).

[2] 118 U.S. 356.

[3] 163 U.S. 537 (1896).

[4] 305 U.S. 337 (1938).

[5] Judicial styles change: Charles Evans Hughes, the brilliant and aristocratic Chief Justice who authored the Court's opinion in *Gaines,* was not in the habit of reaching out for a broader ground than was necessary to sustain the holding of the Court. Only a generation later, the Court regularly accepted the challenge of attempting broad general theories of the Constitution, using particular cases more as occasions for elucidating the value structure of entire fields of constitutional law than simply as controversies in need of a final resolution. It is tempting to identify this tendency as a sort of liberal political activism and, as Richard Nixon showed in 1968, it is an issue which, when calculatingly used, can yield effective political dividends.But the conservative Burger Court has been fully as guilty of this practice as its reputedly liberal predecessor, the Warren Court, and, indeed, a good deal guiltier than the supposedly liberal, Roosevelt-dominated bench of the late 1930's and early 1940's. This element of style, then, is quite clearly independent of a judge's "politics" (using that term in its usual sense).

[6] 339 U.S. 629.

[7] 347 U.S. 483 (1954).

[8] *Missouri ex rel. Gaines* v. *Canada*, 305 U.S. 337 (1938); *Sipuel* v. *Oklahoma,* 332 U.S. 631 (1948); *Sweatt* v. *Painter,* 339 U.S. 629 (1950); *McLaurin* v. *Oklahoma State Regents,* 339 U.S. 637 (1950).

[9] 349 U.S. 294 (1955).

[10] It was not until the case of *Cooper* v. *Aaron,* 358 U.S. 1 (1958) that the Court took the last step in asserting its supremacy over the other branches of government by declaring that, once it had decided the meaning of a provision of the Constitution, "every state legislator and executive and judicial officer is solemnly committed by oath" to conform to it.

This version of the Court's constitutional role is at odds with the ancient tradition that a judicial decision binds only the parties actually before the court; but it is clearly a plausible corollary to the broadened social and political role of the post-formalist judiciary and can be understood as a part of the same impulse that propelled the Court from *Plessy* to *Brown.*

[11] *I.e.,* pursuant to Title VI of the Civil Rights Act of 1964.

[12] 369 F. 2d 29 (4th Cir. 1966).

[13] 391 U.S. 430 (1968).

[14] 402 U.S. 1 (1971).

[15] 413 U.S. 189 (1973).

[16] 426 U.S. 229 (1976).

[17] *Keyes* v. *School District No. 1, Denver, Colorado,* 413 U.S. 189 (1973).

[18] __U.S.__, 97 S. Ct. 555 (1977).

[19] *Milliken* v. *Bradley,* 418 U.S. 717 (1974).

[20] 427 U.S. 424 (1976).

[21] __U.S.__, 97 S.Ct. 996 (1977).

Discussion of Papers Presented by Nathaniel R. Jones and Daniel D. Polsby

by Robert Allen Sedler

I read with great interest the papers presented by Professor Polsby and Mr. Jones. I did so from the perspective of an academic commentator on the subject,[1] from the perspective of a lawyer involved in metropolitan desegregation litigation,[2] and from the perspective of a new resident of the Detroit metropolitan area, who is vitally concerned that his own children attend racially integrated schools. Although the papers approach the subject with different orientations, they are complementary. Professor Polsby's paper focuses on the constitutional doctrine developed by the Supreme Court in this area to general principles of equal protection. Mr. Jones' paper focuses on the practical consequences of the *Milliken* decision, as they relate to the struggle of black-Americans for equality of educational opportunity. He also emphasizes the significance of the political context in which legal questions such as this arise, and notes that the position of the federal government—which opposed metropolitan desegregation in *Milliken*—may well influence the Supreme Court's ultimate resolution of these questions.[3]

Professor Polsby raises the question of what is the precise nature of the substantive right that was recognized in *Brown.*[4] Is it the right of black children to attend desegregated schools? As he points out, if racial segregation is "inherently unequal," as the Supreme Court said in *Brown,* and is damaging to black children, it would make no difference for constitutional purposes *how* the segregation has come about.[5] The Supreme Court, however, has held that the constitutional result does indeed depend on how the segregation has come about. It has drawn a distinction between *de jure* and *de facto* segregation. It has held that the Constitution only prohibits *de jure* segregation. *De jure* segregation is that required by state law, as in the southern and border states prior to *Brown,* or segregation in any school district that was brought about by an "intent to segregate."[6] Because the Court has drawn such a distinction there may be "racial isolation" which is not "segregation,"[7] or more accurately, which is not *de jure* segregation, and thus which is not unconstitutional. In addition, the Court has held that even where a school system has been found guilty of practicing *de jure* segregation, it is not necessarily required to desegregate by eliminating all racially-identifiable schools,[8] but is only required to present a desegregation plan that achieves the "greatest degree of actual desegregation, taking into account the practicalities of the situation."[9] This means that even after the school system has been desegregated and declared to be "unitary," there may still be some all-black schools where "practical" considerations, such as distance and transportation problems, have prevented their desegregation.[10] Finally, in *Milliken,* the Court held that in the absence of a constitutional violation calling for inter-district relief, desegregation plans cannot cross the boundaries of the school district where *de jure* segregation was found to exist, although effective desegregation cannot realistically be achieved within the boundaries of that district.[11]

It is clear, therefore, that the substantive constitutional right recognized in *Brown* is not the right of black children to attend a desegregated school and to have an integrated educational experience—notwithstanding that in *Brown* the

Supreme Court said that segregated education was "inherently unequal"[12] but only the right not to be compelled to attend school in a *school system* that is practicing *de jure* segregation. This definition of the substantive right of black children with respect to school segregation is related, as Professor Polsby notes, to the broader principal of equal protection that the Supreme Court has recently emphasized so strongly: the Constitution only prohibits intentional racial discrimination, so that although governmental action may have a racially discriminatory effect, it is not unconstitutional unless a racially discriminatory *purpose* can be shown.[13]

The substantive right of black children then is only the right not to be compelled to attend school in a school system that is practicing *de jure* segregation. This is the framework within which legal efforts to bring about equality of educational opportunity for black children must now operate. If the Supreme Court were to abandon the *de jure-de facto* distinction and hold that all racially segregated education, regardless of cause, offends the Constitution,[14] and that black children have a constitutional right to attend a desegregated school, then the legal posture would be very, very different. But given the Court's present interpretation of the equal protection clause as prohibiting only intentional racial discrimination, this is not likely to occur, and we will have to continue to operate within the framework of the *de jure-de facto* distinction.

As a practical matter, the *de jure-de facto* distinction has *not* proved to be a significant barrier *where* meaningful desegregation can be achieved within the boundaries of a single school district. In the states where segregation was formerly required by law— the "southern situation"—the existence of *de jure* segregation is predicated on a finding that the school boards have not eliminated all vestiges of state-imposed segregation.[15] Since these school systems originally operated pursuant to the requirements of state-imposed segregation, the continued maintenance of a large number of one-race schools will demonstrate that all vestiges of state-imposed segregation have not been eliminated, and these school systems are required to desegregate fully by means of cross-busing. Outside of the South, it is not difficult in practice to prove "intent to segregate." Such intent has almost always been found to exist, because the school boards over the years have made a series of discretionary decisions with respect to attendance zones, site selection school construction, school closings, teacher assignment and the like, which just "coincidentally" have maximized the degree of actual desegregation.[16] The Supreme Court has also held that where segregatory intent has been proved with respect to a "substantial portion" of the system, it is presumed to exist throughout the system, so that unless the school board can rebut this presumption—which, in practice, it cannot do—system-wide relief is mandated.[17] Within a school district, then, once that district has been found guilty of practicing *de jure* segregation, the requirement that it achieve the "greatest degree of actual desegregation, taking into account the practicalities of the situation," will insure an integrated educational experience for most black children.[18]

The problem, of course, is that in many urban areas today meaningful desegregation *cannot* be achieved within the confines of the urban district alone.[19] In *Milliken,* as Mr. Jones discusses in detail, the Supreme Court rejected the contention that since education was a state function, the state's responsibility for education justified the imposition of a desegregation decree that cut across school district lines. If it had accepted that contention—as four justices were willing to do—meaningful desegregation would now have been achieved in the Detroit area, and in virtually all of the other metropolitan areas in the Nation, given the fact that the urban school systems in those areas, one after the other, have been found to be guilty of practicing *de jure* segregation.[20] But this was not to be, and the question today is, "where do we go from here?"

It is my submission, which I have developed more fully elsewhere,[21] that *Milliken* is not an insuperable obstacle to crossing school district lines and achieving metropolitan desegregation. *Milliken* notwithstanding, we succeeded in doing so in Louisville-Jefferson County, Kentucky.[22] Metropolitan desegregation was also ordered in Wilmington-New Castle County, Delaware,[23] and school district lines were crossed to merge a small black district with two larger white districts in St. Louis County, Missouri.[24] Although the

Court in *Milliken* noted that black children residing in the Detroit school district had no constitutional right to attend school outside of the district, the case itself did not involve a constitutional violation question, but what may be called a remedies question: in what circumstances could a federal court, in order to effectively remedy desegregation found to exist in an urban school district, order relief that crossed school district lines.[25] While rejecting the contention that a federal court could do so in all cases because of the state's primary responsibility for education, the Court also expressly stated that, "Boundary lines may be bridged where there has been a constitutional violation calling for inter-district relief."[26] The question then is in what circumstances has there been a "constitutional violation calling for inter-district relief," and that question has been resolved in favor of an *inter-district remedy* in the few post-Milliken cases in which it has directly arisen.[27]

Let me outline very briefly here what I think are the two major circumstances in which an inter-district remedy will be found to be appropriate. The clearest circumstance is where the suburban district or districts sought to be included in the desegregation plan are themselves in constitutional violation. In the Louisville case, the suburban Jefferson County district was unconstitutionally segregating its 4% black elementary students in a few elementary schools and had continued to retain its one pre-*Brown* black elementary school as an all-black school.

The existence of *de jure* segregation in the Jefferson County district was an important—I believe the most important factor—in the Sixth Circuit's decision distinguishing *Milliken* and ordering inter-district relief in that case.[28] Similarly, in Atlanta we should be able to show that some of the districts sought to be included in the metropolitan desegregation plan are still in constitutional violation. I continue to believe that when all the districts sought to be included in the desegregation plan are in constitutional violation, the courts will uphold a desegregation plan that covers the "violation area."[29]

The second major circumstance—and Mr. Jones' paper shows that this circumstance may exist in the Detroit metropolitan area—is that of an "historic and continuing relationship" between the urban and suburban districts in the metropolitan area. In Louisville-Jefferson County, for example, in pre-*Brown* days black high school students in Jefferson County were bused to Louisville's black high school. The same was true in the Wilmington-New Castle County and in metropolitan Atlanta. But totally apart from cooperation for segregatory purposes, there are many present instances of cooperation between urban and suburban districts, including student transfers, special educational centers, and other joint ventures. Most significant here is the structure of the state's educational system and state law, which recognizes inter-district cooperation and which authorizes the crossing of school district lines for a variety of purposes. In Georgia, for example, transfers of students from one district to another are specifically authorized, and it is expressly provided that state funds follow the student to the transferee district. The theory here is that since state law recognizes that school district lines can be crossed and that since school district lines have been crossed by the school districts themselves, a federal court, in order to effectively remedy the *de jure* segregation found to exist in the urban district, can cross school district lines too. The "historic and continuing relationship" factor was also important in the Louisville-Jefferson County case and will be an alternative argument in the Atlanta case.

There are other circumstances, which I will not discuss here, that may also justify crossing school district lines in appropriate cases.[30] If I am correct in my analysis of *Milliken,* then, it may still be possible to obtain inter-district relief, at least in some situations, based on considerations going to the proper exercise of the remedial powers of a federal court.

What I want to discuss now, however, is something entirely different, and that is the question of whether black children residing in an urban school district have a *substantive constitutional right* to attend school on a desegregated basis in the metropolitan area. To put it another way, it is my contention that black children have a substantive constitutional right to attend school with white children residing in the same metropolitan area. My thesis is as follows. The government at all levels—federal, state, and local—as other papers presented at this conference have so cogently demonstrated, bears a *substantial responsibility* for the pattern of racial residential segregation that exists between the cities and the suburbs today.[31] This being so, blacks, *as a group,* have been excluded from access to housing in the suburbs as result of intentional racial discrimination on the part of the government. Apart from the responsibility of the government to remedy this constitutional violation by providing access to housing in the suburbs for blacks,[32] the argument would be that the government—here the state and the local school boards exercising responsibility for education under state law—cannot compound the constitutional violation by requiring black students to attend racially segregated schools within the confines of the urban school district. In other words, since blacks as a group have been unconstitutionally excluded from the suburbs, black children as a group have a substantive constitutional right to attend school on a metropolitan-wide basis with white children residing in the suburban school districts.[33]

In this connection, I do not see the *imputation* problem that Professor Polsby raises.[34] Local school districts exercise their powers only pursuant to state law, and it is state law that provides for the existence of particular school districts and delineates their boundaries. Since the state itself and its units of local government are responsible for the constitutional violation, the state cannot, through its laws providing for the existence of separate school districts and delineating their boundaries, compound its constitutional violation by excluding black children from attendance at schools with white children who happen to reside in the suburban school districts. In addition, since one governmental unit exercising its powers within a particular area, such as a municipal council or a local zoning board, is responsible for the constitutional violation, another governmental unit representing the people residing in the same area, *i.e.,* the school district, cannot claim immunity when the constitutional violation committed by the first governmental unit is sought to be remedied. And insofar as state laws providing for separate school districts must be disregarded in order to remedy a constitutional violation committed by the federal government, the principle of federal supremacy[35] would presumably operate in reverse to require this result.

The matter of state responsiblity for racial residential segregation between the city and the suburbs as justifying the imposition of an inter-district remedy was recognized in Mr. Justice Stewart's concurring opinion in *Milliken.* As he there stated, "Were it shown, for example, that state officials had contributed to the segregation of the races . . . by purposeful racially discriminatory use of housing or zoning laws, then a decree calling for transfer of pupils across district lines or for restructuring district lines might well be appropriate."[36] Governmental responsibility for urban-suburban racial residential segregation was a factor relied on in the Wilmington-New Castle County case to justify the imposition of an inter-district remedy.[37]

But the thesis I am advancing goes beyond the remedy aspect of *Milliken* and beyond the question of the power of a federal court to cross school district lines in order to remedy effectively the *de jure* segregation existing in the urban school district. It involves the substantive constitutional right of black children to attend school on a desegregated basis in the metropolitan area and has nothing to do with whether the urban district was guilty of practicing *de jure* segregation. It relates to governmental responsibility for the racial residential segregation that exists between the city and the suburbs, and to the fact that the attendance of black children at racially segregated schools within the urban district is a consequence of intentional racial discrimination on the part of the government at all levels. Since it is well-settled that the government has the affirmative responsibility to eliminate the present consequences of its past racial discrimination,[38] it would have the affirmative responsibility to provide desegregated education for black children on a metropolitan-wide basis. If it had not been for the government's racial discrimination—which established the *structure* of urban-suburban racial residential segregation—such segregation and the resulting segregation of the schools would not exist. The continued segregation of the black students in the schools of the urban district, therefore, is unconstitutional, and it must be remedied by a metropolitan-wide desegregation plan.

This thesis will be tested in the Atlanta case.

The lawyers who have been working on this case for over four years now—led by Margie Pitts Hames, the chief counsel—have put together what I consider to be the best possible "legal case" showing governmental responsibility for urban-suburban racial residential segregation. The "policy planners" of all units of government in the Atlanta metropolitan area made the determination that "black expansion" would occur in the western corridor of the city of Atlanta while "white expansion" would occur in the suburbs, and the record will be replete with instances of "discriminatory use of housing or zoning laws" in Atlanta and the surrounding suburbs.[39] As a result, although the black school population of the Atlanta metropolitan area is around 30%, the black school population of the Atlanta school district is over 90%, preventing effective desegregation of that district.[40] If it had not been for intentional racial discrimination practiced by the government at all levels, there would be black children residing in the Atlanta suburbs, and white children residing in the city of Atlanta, and black and white children in the Atlanta metropolitan area would be attending school together. It is this that we are now asking the courts to order.

Again, as the papers presented at this conference have so cogently demonstrated, the same governmental responsibility for urban-suburban racial residential segregation can be shown to exist in all metropolitan areas. Apologists for school segregation say that it exists only because of racial residential segregation. Since, as we now know, it is the government that bears a substantial responsibility for racial residential segregation, it is the government that is affirmatively required to end it, and it must begin with the schools that it operates.

Even though black children may not have a substantive constitutional right to attend desegregated schools, their attendance at segregated schools in urban school districts today is a direct consequence of intentional racial discrimination on the part of the government. Consistent equal protection principles that the Supreme Court has propounded, the state should not be able to compel their attendance at such schools and should be affirmatively required to provide them with desegregated education on a metropolitan-wide basis. If this is recognized by the Supreme Court, we may see a new era in equal educational opportunity, and it may yet be that in our major metropolitan areas black and white children will in fact go to school together, which, "in the final analysis is what desegregation of the public schools is all about."[41]

FOOTNOTES

[1] See Sedler, Metropolitan Desegregation in the Wake of *Milliken*—On Losing Big Battles and Winning Large Wars: The View Largely from Within, 1975 *Washington Univ. L.Q.* 535. The *Milliken* case is *Milliken* v. *Bradley*, 418 U.S. 717 (1974).

[2] I was chief in the Louisville-Jefferson County case, *Newburg Area Council* v. *Board of Education of Jefferson County, Kentucky, 489 F.2d 925* (6th Cir. 1973), *vacated and remanded*, 418 U.S. 918 (1974), *reinstated*, 510 F.2d 1358 (6th Cir. 1974), *cert. denied*, 421 U.S. 931 (1975), and am now co-counsel in the Atlanta metropolitan desegregation case, *Armour* v. *Nix*, Civil No. 16708, U.S. Dist. Ct., N.D. Ga.

[3] Subsequent to this conference, the United States came down on the side of metropolitan desegregation in the Wilmington-New Castle County, Delaware case, now pending before the Third Circuit.

[4] *Brown* v. *Board of Education I*, 347 U.S. 483 (1954).

[5] In *Keyes* v. *School District No. 1, Denver*, 413 U.S. 189 (1973), Mr. Justice Douglas and Mr. Justice Powell, coming from different directions and reaching ultimately different conclusions, urged the Court to treat all racial segregation in the schools in the same way, regardless of cause. For the expression of a similar view by an "opponent of busing," see L. Graglia, *Disaster by Decree* 86 (1976).

[6] *Keyes* v. *School District No. 1, Denver, supra, note 5.* [T]he differentiating factor between de jure segregation and so-called de facto segregation is purpose or intent to segregate." *Id.* at 208.

[7] To use Professor Polsby's terms.

[8] By a racially identifiable school is meant a school having so few blacks, considering the black-white composition of the school district as a whole, that it will be perceived of as a racially-identifiable white school, or so many blacks, considering the black-white composition, that it will be perceived of as a racially-identifiable black school.

[9] *Davis* v. *Board of School Commissioners*, 402 U.S. 33 (1971).

[10] See *e.g.*, *Medley* v. *School Board of City of Danville*, 482 F.2d 1061 (4th Cir. 1973), *cert. denied*, 414 U.S. 1172 (1974); *Goss* v. *Board of Education of Knoxville*, 482 F.2d 1044 (6th Cir. 1973), *cert. denied*, 414 U.S. 1171 (1974).

[11] 418 U.S. 754 (1974).

[12] 347 U.S. at 495, and deprived black children of "some of the benefits they would receive in a racially integrated school system." *Id.* at 494.

[13] See *e.g.*, *Washington* v. *Davis*, 426 U.S. 299 (1976); *Village of Arlington Heights* v. *Metropolitan Housing Development Corp.*,__U.S.__, 97S. Ct. 555 (1977).

[14] The California Supreme Court has rejected the *de jure-de facto* distinction and held that all racial segregation is harmful to black children, so that school boards have an obligation to take affirmative action to eliminate actual segregation. See *e.g.*, *Crawford* v. *Board of Education of City of Los Angeles*, 17 Cal. 3d 280, 551 P.2d 28 (1976).

[15] *Swann* v. *Charlotte-Mecklenburg Board of Education*, 402 U.S. 1 (1971).

[16] See *e.g.*, *United States* v. *School District of Omaha*, 521 F.2d 530 (8th Cir. 1975), and the numerous cases cited by the court at 535, n. 7.

[17] *Keyes* v. *School District No. 1, Denver, supra*, note 5.

[18] Except for those living in parts of the district that it is "impracticable" to desegregate. In my view all the schools should be desegregated unless it can be shown—which is highly unlikely—that the time or distance involved in busing is "so great as to risk either the health of the children or significantly impinge on the educational process." *Swann, supra*, note 14 at 30-31.

[19] In addition to many of the papers presented at this conference, see the discussion in Sedler, *supra*, note 1 at 538-543.

[20] In some urban areas, however, it is still possible to achieve meaningful desegregation within the boundaries of the urban district alone.

[21] See generally Sedler, *supra*, note 1 at 571-584.

[22] *Newburg Area Council* v. *Board of Education of Jefferson County, Kentucky, supra*, note 1.

[23] *Evans* v. *Buchanan*, 393 F. Supp. 428 (D. Del.), *aff'd. mem.*, 423 U.S. 963 (1975).

[24] *United States* v. *Missouri*, 515 F.2d 1365 (8th Cir.), *cert. denied*, 423 U.S. 951 (1975).

[25] See the discussion of this point in *Hills* v.

[26] 418 U.S. at 741.

[27] In the Indianapolis-Marion County, Indiana situation, the Seventh Circuit upheld the imposition of an inter-district remedy on the dual grounds that the exclusion of the schools from the Uni-Gov plan for

Indianapolis-Marion County by the state legislature had a racially discriminatory effect, and that the government was responsible for urban-suburban racial residential segregation, although the latter point had not been extensively developed in the record. *United States* v. *Board of School Commissioners of City of Indianapolis*, 541 F.2d 1211 (7th Cir. 1976). The Supreme Court vacated the judgment and remanded the case for a reconsideration of the matter of "intent to discriminate." 97 S. Ct. 801 (1977).

[28] See generally the discussion of this case in Sedler, *supra*, note 1 at 584-600.

[29] See the discussion of this point in Sedler, *supra*, Note 1 at 581-582.

[30] See the discussion in Sedler, *supra*, note 1 at 579-584.

[31] And for the patterns of racial residential segregation that exist within the city itself.

[32] Just as in school desegregation cases, the school board is required to come up with a desegregation plan, here the involved governments—federal, state and local—should be required to come up with an "access to suburbia" plan, including, for example, the construction of public housing, provision for subsidized low-income housing, suspension of zoning laws that impeded black movement to the suburbs, "affirmative recruiting" of black residents and the like. *C.f.* the discussion in *Hills* v. *Gautreaux*, *supra*, note 24 at 300-306.

[33] Since white children have no constitutional right to avoid going to school with black children, *Brown I*, and no constitutional right to avoid being bused away from a "neighborhood school," *Swann*, busing them to schools located in the urban district raises no constitutional question. And if it had not been for state-imposed discrimination, presumably some of them would be residing in the urban district while some black students would be residing in the suburban districts.

[34] In *Swann*, however, the Court did note that, "We do not reach in this case the question of whether a showing that school segregation is a consequence of other types of state action, without any discriminatory action by the school authorities, is a constitutional violation requiring remedial action by a school desegregation decree." 402 U.S. at 23.

[35] As embodied in Art. VI § 2.

[36] 418 U.S. at 755.

[37] There were other factors as well.

[38] See *e.g.*, *Swann*.

[39] It has already been held that racial discrimination was practiced in regard to public housing and that because of such discrimination, the Atlanta Housing Authority failed to locate public housing in Fulton County, although it had the statutory authority to do so. *Crow* v. *Brown*, 332 F. Supp. 372 (N.D. Ga. 1971), *aff'd.*, 457 F.2d 788 (5th Cir. 1972)

[40] Thus, in *Calhoun* v. *Cook*, 522 F.2d 717 (5th Cir. 1975), the Fifth Circuit affirmed a finding that the Atlanta school system was unitary, although 92 out of its 148 schools had student bodies that were over 90% black. The court noted, however, that the matter of metropolitan desegregation remained to be decided in *Armour* v. *Nix*.

[41] *Milliken* v. *Bradley*, at 802 (Marshall, J., dissenting).

ED148937

The Social and Instructional Setting for Metropolitan Integration

by Daniel U. Levine and Rayna F. Levine

Before trying to identify federal policies which might help bring about constructive desegregation in metropolitan areas, it is useful to review some of the considerations which make a metropolitan or regional approach desirable in many urban areas. These considerations can be classified under the following headings: socioeconomic mixture; geographic and administrative feasibility; magnetization and urban development; and resegregation in the suburbs.

Socioeconomic Mixture

The stated legal goal of court-ordered desegregation is merely to eliminate the results of state-sanctioned situations which cause minority students to feel stigmatized by attendance at racially isolated schools. Underlying the attainment of this goal, however, has been and remains the hope that attendance at desegregated schools will help lead to improvement in the academic achievement of low-performing minority students whose educational opportunities have been diminished by segregation. The place of this goal in the desegregation process recently was highlighted by Meyer Weinberg, who called attention to the "persistence of achievement gaps between black and white children" after desegregation and pointed out that:

> . . . getting along with others, especially if they are of a different race, must be a high objective in the schools, let alone the society as a whole. But black parents are already expert in such relationships. What their children lack especially is accomplishment in the more academic aspects of education.[1]

The sad truth we face today is that it is unlikely that racial integration alone can do very much to improve the achievement of minority students in many big city school districts in which they constitute a large proportion of student enrollment and a very high proportion are from economically disadvantaged families. We say this because many of these students will attend schools enrolling predominantly low-status students–nonminority as well as minority–even if legal requirements for desegregation are met within the confines of the central city school district. We will call such schools "inner city" schools and show that achievement is dismally low in them regardless of their racial composition.

In this case common sense and research both suggest (the two do not *always* disagree) that it is extremely difficult to provide adequate educational opportunities in inner city schools. Anyone familiar with the teaching and learning conditions in inner city schools is aware that teachers have a very frustrating time attempting to work with classes in which one-quarter or more of the students have serious academic problems. Students, for their part, have a difficult time functioning academically in a school and neighborhood environment characterized by despair and a host of pernicious influences associated with poverty and urban decay. One study conducted in the 1960's found indications that more capable and brighter youngsters tended to do relatively less well in this type of environment than did the less talented.[2]

Researchers disagree among themselves on whether racial desegregation has independent

UD 017649

effects in improving academic achievement, but most believe that socioeconomic mixture is more important than racial mixture in accounting for gains sometimes reported following desegregation. O'Reilly has summarized much of this research as follows:

> The social class composition of the school has been established as an educationally relevant dimension, with substantial potential influences on achievement which are independent of the influences of teachers, curricula and facilities . . . schools with predominantly lower-status students thus constitute an undesirable educational milieu which becomes increasingly relevant for the educational development of disadvantaged students with increasing years in school.[3]

Research recently conducted on achievement in several big cities has been examining the issue of socioeconomic mixture from another direction.[4] That is, rather than trying to determine whether the achievement of low status students has risen following socioeconomic desegregation, achievement patterns are examined in relation to socioeconomic status. (There are horrendous technical problems in conducting longitudinal research on the effects of socioeconomic mixture, not least of which is the problem that middle status parents both white and black tend to withdraw their children from schools with a high proportion of disadvantaged students.) The results of these studies have been very clear: Once the enrollment of low status students reaches a clearly discernible level denoting a substantial concentration of poverty, grade-level academic achievement is almost universally low. In Kansas City, for example, a plot (Figure 1) of 1976 sixth grade average reading scores against the percent of students in each school eligible for subsidized lunches shows that all of the 42 schools which had 41% or more of their pupils eligible for subsidized lunch had mean reading scores of 5.6 or below (over a year below the national average), while 14 of the 19 schools with less than 41% pupils eligible for subsidized lunch had scores of 5.7 or above. Ten of the 42 concentrated poverty schools had a percentage of white students of 57 or above, and four enrolled 75% to 90% white students.

Similarly, a plot (Figure 2) of percent of students from families receiving public assistance in Cleveland elementary schools in 1974 against sixth grade reading achievement scores shows that among a sample of 108 schools, 45 of 50 which had a poverty percentage of 21 or above had reading scores of 5.6 or below, while of the remaining 58 schools 36 had reading scores of 5.7 or higher. Nine of the 45 high poverty schools with low reading scores had at least 30% white students, and five were at least 50% white in student composition.[5]

Comparable results were obtained using other socioeconomic indicators for elementary schools in Chicago, Cincinnati, St. Louis, and Houston. In Cincinnati, for example, the percentage of males employed as laborers or craftsmen seems to be a particularly good indicator of concentrated urban poverty: among a sample of 63 elementary schools, all of the 24 schools which had a percentage of 22 or above had reading scores below 5.0, while 25 of the remaining 35 schools had scores above this level (Figure 3).

It is instructive to compare this plot with a similar one for a large, predominantly middle-class suburban school district in a midwestern state (Figure 4). As one would expect, schools with a lower percentage of laborers and craftsmen tend to have higher achievement scores, but there is no apparent cutting point denoting a non-linear relationship. Interestingly, only one school has a percentage of laborers and craftsmen above 20%, and achievement at this school is extremely low.

Given the pervasiveness of the relationship between concentrated big city poverty and achievement, one can say that in the face of concentrated poverty and measures of attendant social disorganization, inner city schools do not function very effectively in terms of providing many pupils with basic academic skills they need for success later in life. Parenthetically, we should emphasize that the squared multiple correlations predicting reading scores using socioeconomic data for the six cities mentioned above ranged as high as .995 (Table 1).

The causes of this dysfunctioning are matters of speculation. Our own belief is that once the schools—as well as other urban institutions such as hospitals, the police, and the banking system—pass a hypothetical "threshold" point at which the problems associated with poverty become heavily concentrated, institutional practices which may work fairly well in other locations begin to break down. In the inner city school, for example, teachers may have four or five times as much difficulty providing appropriate instruction for a class with six or eight academically retarded as do teachers in a middle or mixed status school who may have three or four retarded students. Each additional low achieving student means an exponential decrease in the amount of time available for other students. Although little research has been conducted comparing classroom dynamics in low status vs. middle status schools, Deutsch did carry out one study showing that only half as much time was devoted to

Table 1

Actual and Predicted Average 6th Grade Reading Scores
Large Midwestern School District, 1973 ($R^2 = .995$)
(The socioeconomic predictor variables were: Percent of Students from Economically Disadvantaged Families; Percent of Housing Units Vacant per Residential Acre; and Percent of Owner-Occupied Housing Units $15,000 or Less.)

School Number	Actual Average	Predicted Average	Difference
1	6.06	6.19	−.13
2	6.05	6.10	−.05
3	6.91	6.99	−.08
4	7.00	7.42	−.42
5	–	6.56	–
6	5.88	5.77	.11
7	6.33	6.22	.11
8	5.81	5.71	.10
9	5.93	5.77	.16
10	7.15	6.59	.56
11	6.45	5.76	.69
12	7.36	6.71	.65
13	6.51	6.07	.44
14	5.79	5.88	−.09
15	6.65	6.35	.30
16	6.98	7.15	−.17
17	5.87	6.18	−.31
18	6.91	6.46	.45
19	6.50	6.85	−.35
20	5.67	5.84	−.17
21	6.05	5.71	.34
22	–	6.48	–
23	5.98	5.51	.47
24	5.56	5.34	.22
25	7.02	7.15	−.13
26	5.77	5.82	−.05
27	7.53	7.13	.40
28	6.96	6.84	.12
29	6.88	7.02	−.14
30	5.85	5.84	.01

Table 1 (Continued)

School Number	Actual Average	Predicted Average	Difference
31	5.84	5.97	−.13
32	–	6.62	–
33	5.86	5.95	−.09
34	5.54	5.89	−.35
35	5.83	5.84	−.01
36	7.06	6.73	.33
37	6.16	5.75	.41
38	6.88	6.47	.41
39	7.55	7.58	−.03
40	6.70	6.78	−.08
41	5.55	6.29	−.74
42	7.13	6.50	.63
43	6.47	6.55	−.08
44	6.81	6.85	−.04
45	–	6.50	–
46	6.86	6.16	.70
47	–	6.44	–
48	6.68	6.16	.52
49	5.83	5.90	−.07
50	6.28	6.19	.09
51	8.40	7.19	1.21
52	–	5.94	–
53	5.99	6.30	−.31
54	6.71	6.99	−.28
55	5.66	5.66	.00
56	5.93	5.89	.04
57	6.21	6.73	−.52
58	5.53	5.83	−.30
59	–	9.19	–
60	7.46	7.31	.15
61	5.46	5.65	−.19
62	6.10	6.06	.04
63	6.05	5.81	.24
64	5.43	5.64	−.21
65	–	7.69	–
66	5.86	5.94	−.08
67	5.82	5.39	.43
68	5.95	5.88	.07
69	6.02	5.81	.21
70	6.27	5.98	.31

Table 1 (Continued)

School Number	Actual Average	Predicted Average	Difference
71	5.00	—	—
72	5.80	5.86	−.06
73	5.84	5.79	.05
74	6.02	5.38	.64
75	6.30	6.01	.29
76	-	6.64	—
77	—	6.65	—
78	6.78	—	—
79	6.25	6.42	−.17
80	7.31	6.88	.43

instruction in inner city classrooms as in middle status classrooms. Such differentials probably are related to a variety of considerations including the degree to which pupils are prepared to handle available materials, the extent to which classroom management problems arise in different types of schools, and the ways in which students encourage and reinforce each other in differing types of behaviors.[6]

The dysfunctioning of inner city schools is a consideration which should be taken into account in planning for desegregation. While there is presently no evidence to prove that placing inner city students in mixed status schools will improve their achievement, the line of argument we have been developing suggests that desegregation plans which do not reduce the number of inner city type schools or which actually increase their number will contribute little or nothing toward the academic goals of desegregation. On the other hand, it is possible that socioeconomic desegregation carried out in conjunction with extensive teacher training, instructional arrangements providing for appropriate individualization of learning experiences, and other educational improvements involving methods, materials, and school organization will make it possible to provide more effective education for inner city students without detracting from the achievement of middle status students.

In many metropolitan areas, however, meaningful socioeconomic desegregation is almost impossible to attain within the confines of the central city school districts. Figure 5, for example shows the Kansas City, Missouri School District with attendance areas shaded in for the 42 schools having 41% or more of their students eligible for subsidized lunches.[7] The largest portion of this central city school district obviously is already inner city (largely low status) in socioeconomic composition. Concentration of poverty and related indicators such as inadequate reading achievement are even more apparent in Figures 6 and 7, which respectively show (1) the "inner city" and "fringe" census tracts identified in a previous study using measures of poverty, housing value, and occupational status (Figure 6) and (2) the boundaries of central city elementary schools with 1970 6th grade reading averages of 5.9 or less. The two maps virtually overlap, with very few of the remainder of the schools in the district located in middle status and/or high achievement communities.

Geographic and Administrative Feasibility

Regional approaches are needed not only to make desegregation socioeconomically possible but also to enhance its geographic and administrative feasibility. Stated differently, current desegregation plans proposed for central city school districts frequently are proving to be geographically and administratively bizarre.

One good example of such a proposal recently was submitted by a team of consultants who prepared a plan for Cleveland for the State of Ohio Board of Education. As shown in Figure 8, the plan calls for transporting pupils long distances between the largely white western half and the largely black eastern half of the city. White suburban districts are close to the black population of the east side, but because the state board decided not to submit a regional plan, black and white students within the city are to travel long distances through congested city traffic across major natural barriers such as the Cuyahoga River. In one case, black students either will have to traverse a suburban white district or make an additional detour to get to their new schools.

In Kansas City, a plan being considered by the school board in February of 1977 calls for transporting pupils between the largely white eastern part of the district and the largely black south central section (Figure 9). Again, black pupils are to be transported across a white suburban district, and some would then cross industrial centers with poor roads and congested traffic. The Kansas City Board of Education is considering going into court to seek a metropolitan remedy.

Detroit had a metropolitan remedy rejected in the Supreme Court's 1974 decision in *Milliken* v. *Bradley*. As a result, desegregation in Detroit—75% black in pupil enrollment in 1975—has been limited to the central city schools. Judge Robert E. DeMascio first ordered a relatively limited plan for Detroit in order to try to maintain a good racial balance in schools where such existed or could be attained and to avoid transporting minority pupils from one predominantly minority school to another. DeMascio's remedy, however, was rejected by the Sixth Circuit Court of Appeals on the grounds that in leaving minority students in schools more than 90 percent minority, the plan did not meet constitutional standards to eliminate racially identifiable schools. The appeals courts recognized the absurdity of its decision but concluded that the non-involvement of the suburban areas together with constitutional law on desegregation made it necessary to adopt an unproductive plan. "We recognize," the judges said

> that it would be appropriate for us . . . to supply guidelines to the District Judge as to what he should do. . . . Omission of such guidelines is not based on any failure to consider the problem in depth. . . . It is based upon the conviction . . . that *genuine* [italics added] constitutional desegregation cannot be accomplished within the school district boundaries of the Detroit School District.[8]

This confession of helplessness apparently meant that the appeals judges agreed with Judge DeMascio's position that further desegregation steps within the district would be counterproductive because they would tend to encourage withdrawal of white students from schools which already were well balanced racially. "Much of the transportation" involved in removing students from schools over 90% black, they added, "would be of black students from predominantly black to other predominantly black schools."[9] Nevertheless, such action would be necessary to meet guarantees of equal education opportunity set forth in the Constitution as interpreted by the U.S. Supreme Court.

Bizarre requirements for big city desegregation do not arise from perverted motives but rather from the demography of metropolitan areas in which a majority of the central city students are minority and low status. The Supreme Court said in its decision in *Swann* v. *Charlotte-Mecklenburg Board of Education* that the vestiges of state-imposed segregation must be eliminated from school districts not in compliance with constitutional standards even if the "remedy for such segregation may be administratively awkward, inconvenient, and even bizarre in some situations." At this time, therefore, odd plans and requirements such as we have described can be viewed as fulfilling the letter of the Constitution, regardless of how much inconvenience they cause for both black and white students.

These plans do conflict, however, with several important public purposes. By contributing to middle class withdrawal from the central city and its schools, they hamper efforts to stem or reverse the expansion of the inner city and of inner city schools. By contributing to further innercityization, they help ensure that millions or even billions of additional tax dollars will be wasted on largely fruitless efforts to improve conditions in neighborhoods in which no effective ways have been found to solve problems associated with concentrated urban poverty. (In seventeen of the Kansas City inner city schools shown in Figure 7, for example, approximately 24 million dollars were spent over and beyond regular per pupil expenditures between 1965 and 1975, with very little, if any, achievement gains registered in this group of schools.) By ignoring issues involving socioeconomic mixture, such plans exacerbate conflict between low status minority and non-minority populations, and help to keep students of both groups confined to schools and neighborhoods in which the effectiveness of education is unsatisfactory and large numbers of students are failing to acquire the skills necessary for productive careers.

They also violate the spirit of the Byrd Amendment to the 1976 Labor-HEW appropriations bill, which says that "None of the funds contained in this Act shall be used to require, directly or indirectly, the transportation of any student to a school other than the school which is nearest the student's home, and which offers the courses of study pursued by such student,"[10] and Section 215 of the Equal Educational Opportunities Act of 1974, which says that "No court, department, or agency of the United States shall . . . order the implementation of a plan that would require the transportation of any student to a school other than the school closest or next closest to his place of residence which provides the appropriate grade level and type of education for such student."[11] We realize that the Congressmen who voted for these laws did not have in mind regional school desegregation remedies to reduce the distance students would be transported in order to desegregate big city schools. However, since regional remedies frequently would have this effect for many students, perhaps Congress should be asked to provide funds and other support for the purpose of interdistrict desegregation.

Magnetization and Urban Development

In the past few years magnet school programs have become a key element in desegregation efforts in several big cities such as Cincinnati, Houston, Dallas, and St. Louis. The rationale underlying the development of magnet schools for this purpose is that appropriate special programs can attract both minority and non-minority students on a voluntary basis and thus reduce the tendency for big city districts to become progressively more minority in student composition.

In our opinion, magnet schools can have this effect in some instances, particularly if they are designed and located so as to enhance the efforts of city planners and community leaders to 1) maintain a middle or mixed status population in neighborhoods which otherwise might become part of the expanding inner city, and/or 2) redevelop inner city neighborhoods on an economically and racially mixed basis. Both of these goals frequently depend on the availability of attractive, mixed-status public schools, because middle status parents generally are reluctant to move or remain in neighborhoods in which schools serve predominantly low status students, have low educational standards and are thought to be unsafe to attend. The importance of public schools in urban conservation and redevelopment has been highlighted in a recent book by former Marshall Plan administrator Paul R. Porter which considered the prospects and possibilities for the "recovery" of U.S. cities and concluded that in making the central city competitive with the suburbs as a place to live, "probably . . . [no goal] is more important than that the city's schools should be of as high quality as suburban schools."[12]

In general, successful magnet schools require special resources to establish high quality programs which will be attractive to middle status residents. Extra funds are needed to provide materials and equipment for instruction, particularly in schools which emphasize technological studies in science and occupations. At the secondary level, college-preparation courses and occupational training courses both must be fully available to all students, to insure that neither middle class nor working class parents perceive a magnet program as shunting their children into nonprofessional career lines. Teachers must be specifically selected for their training and ability to provide effective instruction in special subject areas to students with differing levels of preparation and previous achievement. In many or most cases, free transportation costing several hundred dollars or more per student must be provided to persuade parents to enroll their children in schools located miles from their homes. Most important, pupils and parents who display a minimum of interest and motivation to engage in a special program of whatever sort must be attracted from outside the immediate neighborhood if a school in or near the inner city is to be perceived as providing effective instruction for pupils of middle status background. This often means that magnet schools will not have much chance to succeed unless they draw on a fairly wide geographic area for their pupils. In any central city school district with less than 10 to 15 thousand middle-class secondary students, for example, too few candidates may be available to justify specialized magnet programs in subjects like physical sciences and performing arts.

It is not our purpose here to discuss all the issues and pitfalls which should be faced if magnetization is to contribute to successful big city desegregation and renewal. Instead, we want to emphasize that many magnet schools will have a much better chance to succeed if they can draw on a regional population than if they are confined to a big city school district, particularly if the majority of students already in the city schools are from economically disadvantaged families. In Kansas City, for example, a Bi-State Committee on Education composed of Kansas and Missouri advisors to the U.S. Commission on Civil Rights recently proposed that school districts in the metropolitan area work together to establish magnet high schools in locally-suitable subjects such as Health Sciences, Petrochemicals and Agribusiness, Performing Arts and Aviation. Several of these schools could be situated in key communities which might become major nuclei for conservation and redevelopment of deteriorating parts of the central city. Inasmuch as there are only about 15 thousand high school students in the central city school district, however, it is doubtful whether some specialized programs could be funded or efficiently operated unless they drew substantial enrollment from other parts of the metropolitan area.

Resegregating Suburbs

As do many other observers, we believe that the most basic problem plaguing central cities and their schools is the loss of middle status population whose rapid departure has weakened the city tax base and hastened the expansion of relatively homogeneous inner city neighborhoods. In the past ten years substantial numbers of middle status black families have begun to join middle status whites in moving to suburban sections of many large metropolitan areas. A number of suburban areas surrounding Chicago, Detroit, Atlanta, St. Louis and other big cities already have become predominantly black.

In most of these situations, black population has moved from deteriorating parts of the central city to adjoining older suburbs, thereby extending the segregated black section of the metropolitan area and creating the prospect of resegregation in the suburbs in the same manner as happened previously in racially changing neighborhoods in the city. In some cases predominantly black as well as racially-mixed suburban areas already face or soon will face the prospect of absorbing low status black families escaping from high density neighborhoods in the city. As this happens, some of these suburban areas may well become extensions of the inner city poverty area. Black middle class families and white families from these suburbs will have to move again to find an environment conducive to raising their families. A whole new cycle of resegregation covering still larger parts of the metropolitan area will be underway.

Basically, this process of black suburbanization followed by resegregation and middle-class flight is much the same as that which has led to deterioration and decay in the physical and social environment of the central city. The big question at this point is whether we have learned enough from national experience which has allowed and even encouraged the destruction of central cities in the past three decades to avoid a similar pattern in the suburbs. This outcome is almost certain to be repeated in a number of suburban areas unless the city and the suburbs are treated as a single metropolitan unit for purposes of urban conservation and development, particularly with respect to basic urban social systems such as education, housing, and transportation.

Examples of suburban resegregation and its implications for school integration can be seen by referring back to Figures 10 and 11 which show the configurations of the cities of Cleveland and

Cincinnati within their larger metropolitan surroundings. As regards the situation in Cleveland, the small suburb of East Cleveland has become predominantly black in population, and the large suburb of Cleveland Heights in 1976 had become 11% black in its overall population (from 2% in 1970) and 23% black in its school population. Cleveland Heights is a large mixed-status suburb which may become predominantly black if black migration continues from the city to the eastern suburbs. If Cleveland Heights resegregates, the adjoining racially-integrated, middle-class suburb of Shaker Heights will experience more pressures toward resegregation, as will other suburbs in the eastern path of potential black migration. In time, middle class and upwardly mobile black families will begin to leave Cleveland Heights for the same reasons they left the central city: to escape from the burgeoning inner city. Racial and economic segregation will be further enlarged and solidified as the basic metropolitan social pattern for generations to come.

The situation in Cincinnati is essentially similar. North of the central city school district, the percentage of black pupils increased from 9% in 1971 to 22% in 1976 in Mt. Healthy, and from 2.5% to 11% in Green Hills-Forest Park. The percentage of black pupils in Princeton reached 31% in 1976. If present trends of black suburbanization resulting in resegregation continue, the entire central strip of the Ohio part of the metropolitan area north of the river will become predominantly black. Much additional land in the metropolitan area also will become inner city in nature and character as the process of urban decay and middle-class withdrawal is repeated in the suburbs.[13]

This process is likely to be accelerated by the types of central city school desegregation plans which are being proposed in Ohio and other states. Desegregation plans confined to heavily minority and low status central city school districts will encourage whites to avoid locating in integrated suburbs; instead, many of those who move to the suburbs will move further out than they otherwise might because of the possibility of inner ring segregation. In some cases, black middle class parents will see little advantage and great burdens in having their children transported from one predominantly black school to another, particularly if this means transfer from a mixed status to a low status inner city school. Thus the self-reinforcing trends which resulted first in white and then black middle class withdrawal from the central city to segregated suburbs will be further accelerated.

By way of contrast, metropolitan desegregation plans, if carefully designed and carried out, might help stabilize the suburbs racially and economically, and thereby provide a solid basis for positive urban development and integration throughout the metropolitan area. If white parents in the suburbs know that assignment of students and transportation will occur if necessary across district lines, the incentive for moving far out to segregated neighborhoods will be reduced, and an incentive might even be created to live in integrated neighborhoods with integrated neighborhood schools. If district lines are crossed to minimize the inconvenience of transportation, desegregation in general and magnet school plans in particular will be easier and more feasible to design and more effectively carried out. If attractive magnet programs serving an entire region are located in communities like Cleveland Heights and Shaker Heights in the Cleveland S.M.S.A., more white and middle class students may be available to help avoid resegregation in the schools and neighborhoods in these communities, and parents who live there will have additional reassurance that effective education will continue to be available for their children.

Possible Federal Contributions

We have described an interrelated set of reasons for concluding that metropolitan school desegregation plans are preferable to plans limited to single urban school districts. Indeed, in many situations single district plans are likely to turn out to be counterproductive, whereas regional plans potentially may help provide a basis for constructive urban planning and development throughout the metropolitan area.

Other speakers at this conference will be addressing the legal issues and problems involved in metropolitan desegregation, and the current status of constitutional theory bearing on this topic. Regardless of the difficulties and prospects of litigation, there is much the federal government might do to encourage and help bring about metropolitan desegregation. As usual, much of the federal role would involve the funding of new programs and guidelines for their implementation, but other actions could be based primarily on re-examination and revision of existing policies and practices. Some of the most important actions which could be taken by the federal government include the following.

1. Explicit recognition of the problem of concentrated poverty in big city school districts. It is true that the federal government has made billions of dollars available to improve the education of economically disadvantaged children, but little has been done to design and carry out federal policies specifically addressed to the problem of socioeconomic and racial segregation and its effects in big city poverty areas. Evaluations of federal programs such as Headstart, Follow Through, and Title I of the ESEA have not increased knowledge and understanding of the special problems of concentrated poverty schools, guidelines for the expenditure of funds have not fundamentally recognized that a school with thirty percent poverty enrollment may be many times more difficult to improve than a school with fifteen percent poverty students, and expenditures for compensatory education have not been systematically tied to efforts to deconcentrate poverty and reduce socioeconomic and racial isolation. The result, predictably, has been that very little progress has been made in improving the academic performance of students attending poverty area schools in big cities.

2. Provision of funds for efforts at voluntary desegregation such as the METCO city-suburban transfer program in the Boston area and the now defunct Wingspread city-suburban exchange in the Chicago area.[14] One way to fund such efforts would be through expanding the Emergency School Aid Act (ESAA) and liberalizing its guidelines to encourage participation of suburban school districts which wish to cooperate in a metropolitan desegregation plan.

3. Coordination of efforts to make racially and economically integrated schools and neighborhoods more attractive than segregated communities, through means such as federal and state tax incentives. In this connection the United States Commission on Civil Rights recently recommended that:

> The President and the Congress should make a concerted effort to provide the authority and resources necessary for facilitating metropolitan residential desegregation and thereby maximize school desegregation. Each State receiving Federal housing and community development grants should be required to establish a metropolitan agency with authority to plan and implement a program for metropolitan housing development, including provision of adequate, moderate- and low-income housing throughout the metropolitan area and various services to assist minority families to secure housing outside central cities. A special tax incentive should be granted to families who select housing in areas where residents are predominantly of another race or ethnic group.[15]

4. Provision of funds for *metropolitan magnet programs* with emphasis on attaining urban conservation and renewal along the lines we suggested above. A beginning in this direction was made in 1976, when Senator John Glenn of Ohio proposed that the Emergency School Aid Act be amended to provide $250 million dollars for "the construction, rehabilitation and operation of magnet schools and specialized educational centers" and related activities including the construction of neutral site schools and the development of education parks."[16] We believe that funds expended for these purposes frequently could be very helpful in improving the quality of urban life if they were tied in with city and neighborhood planning efforts to preserve existing and to renew old communities which have already deteriorated past the point of feasible conservation.

5. Financial support for systematic metropolitan school desegregation planning and action together with recognition that the underlying problem in central city schools is related to concentration of poverty rather than racial isolation per se. Perhaps such support should be offered along the lines proposed by Senator James Pearson of Kansas, who recently introduced legislation titled the National Educational Opportunities Act of 1977 which would provide nearly two billion dollars over a five year period to assist states in "developing and implementing plans" that included at least two of the three following components:

> First. A majority/minority transfer plan on both an intra-district and interdistrict basis. This provision would offer a

> student the opportunity to enroll in a school outside the district in which he resides. The school district to which he is transferred would be compensated for added expenditure of local funds.
>
> Second. A school district reorganization plan. This could include, on the one hand, redrawing zone boundaries within districts, pairing and clustering schools, and establishing magnet schools; and on the other, cooperative arrangements between districts for common use of existing facilities and for construction of new joint facilities.
>
> Third. An approved, concentrated compensatory education program. Expenditures under this program would be made only in schools with at least 25 percent low-income enrollment.[17]

6. Limitation of federal education funds to school districts cooperating in metropolitan desegregation planning. At the present time local governments are required to participate in the A-95 regional review process in order to be eligible for federal grants for transportation, sewage disposal, pollution control, and a number of other public services. There is no comparable requirement for cooperative review of school district requests for federal education funds.

It is true that while suburban communities generally are willing to cooperate in planning for funds to help build a needed sewage plant or an improved traffic system, many would reject money for education if acceptance meant that they had to play a significant part in efforts to solve educational problems associated with the concentration of poverty in the central city and a few suburbs. It is one thing to agree to coordinate local highways with transportation patterns in the central city; it is quite another to participate in a city-suburban student exchange plan which may be vigorously opposed by a substantial proportion of local citizens.

On the other hand, the weight of the evidence available at this time suggests that many federal expenditures do little good in the central city in the face of the concentrated poverty which exists there, and some expenditures in the suburbs may make the metropolitan situation worse by enhancing the attractiveness of suburban schools and thus reinforcing the underlying problem of socioeconomic and racial segregation. The federal government should not continue to support suburban governments—whether schools or municipalities—unless these governments participate in the development and implementation of plans to overcome the patterns of segregation which have been responsible for the deterioration and decay of many central cities and their schools.

7. Reorganization of the federally subsidized vocational educational system on a metropolitan basis organized as part of a larger effort toward racial and economic integration. The present system of vocational education in many metropolitan areas reflects the same fragmentation in city-suburban structure as does the public education system as a whole. In Kansas City, for example, a central-city vocational high school designated as an area vocational school offers excellent occupational training in selected specialties such as air conditioning and heating, but enrollment is limited to central city students and the range of offerings is limited partly because sufficient funds and students are not available to offer additional specialties.

In the suburbs, meanwhile, several relatively small school districts have joined forces to organize an area vocational school in order to provide their students with better occupational training. While this form of interdistrict cooperation for vocational education is commendable in the sense that it makes additional opportunity available to suburban students, on a metropolitan basis the situation is neither logical nor economical. Central city and suburban students who might like to participate in training offered only at the area vocational school in the other jurisdiction have little encouragement to do so. In addition, vocational education organized in this fragmented way insures that some of the training offered will be either lacking in scope or inefficient. Some years ago, experts in vocational education estimated that the potential pupil base for efficient and comprehensive vocational education should approach 42,000 pupils in grades K-12;[18] below that figure, certain specialized programs are likely to draw too few students to be provided optimally or are not likely to be offered at all due to cost-benefit deficiencies.

Estimates such as this probably need up-dating in terms of current specialties and costs, but newer estimates would probably deal with more advanced occupational specialties requiring even more expensive training and would continue to support the conclusion that a minimum population base is needed to offer vocational education with maximum efficiency and effectiveness. City-suburban fragmentation often reduces the population base served by particular vocational schools below this minimum figure.

The resulting deficiencies and inadequacies are paid for by the federal taxpayer, who provides a large share of the funds for vocational education. We well remember the time thirteen years ago when the establishment of area vocational schools in the Kansas City metropolitan area was being discussed at a meeting of officials from the Missouri State Department of Education and local school districts. We remember the reaction of disbelief and even horror that followed when one of us suggested that the proposed schools should be organized to serve the entire Missouri part of the Kansas City Metropolitan Area rather than the central city district and suburban districts separately. At that time the central city-suburban split along socioeconomic and racial lines already had become evident, and it was clear that this split together with fears of loss of local control made voluntary city-suburban cooperation for vocational education a utopian expectation. What we were not able to understand is why the federal government, with its predominant funding role, and the state department of education, with its legal responsibility for organizing public education, should exacerbate this split by subsidizing separate vocational schools in the central city and suburbs.

Conclusion

We have attempted to provide a broad view of the problems of metropolitan area schools and society, with emphasis on problems associated with the growth of racial and socioeconomic segregation in some parts of the metropolitan area. These trends have caused deterioration in many central cities and not only are still continuing but are creeping into the suburbs. Isolation of young people by social class and by race has locked many youngsters into a harmful social environment which apparently is characterized by dysfunctioning in the schools and other social institutions.

Given this situation, plans designed to improve educational opportunity for big city students through compensatory education or through legalistic manipulation of school assignments to place minority students in schools with ten or twenty percent white enrollment are proving mostly an empty promise. In many cases these plans place black and white working class students in the same schools with little apparent benefit in terms of academic achievement. Equally important, they encourage still more rapid withdrawal from central city public schools on the part of middle class or upwardly mobile white and black parents.

Metropolitan desegregation might make it possible to improve educational opportunities and also to tie urban development in with school planning in a way that would contribute to constructive long-range development in both the central city and the suburbs. Recognition of the specific problems of concentrated poverty in inner city schools, support for voluntary city-suburban desegregation plans, incentives to make racially and economically integrated neighborhoods more attractive than segregated ones, metropolitan magnet schools, appropriate school district reorganization, restricting federal funds to school districts which cooperate in metropolitan planning, reorganization of the vocational education system, and other related policies and actions could begin to reverse destructive patterns of segregation and stratification which exist in many metropolitan areas. To succeed, all such efforts would have to be coordinated with each other on a metropolitan scale, with due attention given to the close relationships which exist between education and other urban systems such as housing and transportation. Planning and action for metropolitan school desegregation, in other words, should be comprehensive and long-range.

The federal-level proposal which comes closest among those we have seen to encouraging such planning and action is the National Educational Opportunities Act of 1977, which would do more than previous legislation to encourage coordinated city and suburban school desegregation and also give special attention to central city schools with a particularly high concentration of poverty. Legislation of this sort combined with related efforts to tie school planning to urban planning in general might at least begin to overcome the social forces which have all but torn apart many of our cities and now are beginning to engulf additional parts of the metropolitan area as well.

FOOTNOTES

[1] Meyer Weinberg, "Desegregation and Quality Education: Quality and Equality in Our Schools," in Meyer Weinberg, *et al., Three Myths: An Exposure of Popular Misconceptions About School Desegregation.* Atlanta: Southern Regional Council, 1976, pp. 13-14.

[2] David Burnham, "Heroin Traps 33 Percent on Harlem 'Addict Block'," *New York Times,* October 13, 1968, p. 1.

[3] Robert P. O'Reilly, *Racial and Social Class Isolation in the Schools.* New York: New York State Education Department Division of Research Office of Research and Evaluation, 1969, p. 17.

[4] Daniel U. Levine, Jeanie Keeny Meyer, Cris Kukuk, Burke O'Hara Fort, and Robert S. Stephenson, *Concentrated Poverty and Reading Achievement in Five Big Cities.* Kansas City: Center for the Study of Metropolitan Problems in Education (mimeo), 1977.

[5] These data cannot be used to make achievement comparisons between cities because the districts use different tests administered with differing guidelines.

[6] Martin Deutsch, *et al., Communication of Information in the Elementary School Classroom.* New York: Institute for Developmental Studies, 1964.

[7] Approximately 70% of the elementary students in the district attended this group of schools in 1976.

[8] *Bradley, et al., v. Milliken, et al.* 540 F.2d 229 (1975) at 240.

[9] Quoted in Rick Van Sant, "Detroit Ordered to Do More Desegregating," *Cleveland Press,* August 7, 1976, p. B2.

[10] Section 209 of Public Law 206, 90 Statute 3.

[11] Section 215 of Public Law 93-380, Statute 88.

[12] Paul R. Porter, *The Recovery of American Cities.* New York: Two Continents, 1976, p. 183.

[13] Note also that a total desegregtion plan limited to the central city district probably would require transportation across suburban districts including Norwood and the district adjacent to the predominantly white southwest sliver of the Cincinnati Public Schools (Figure 11).

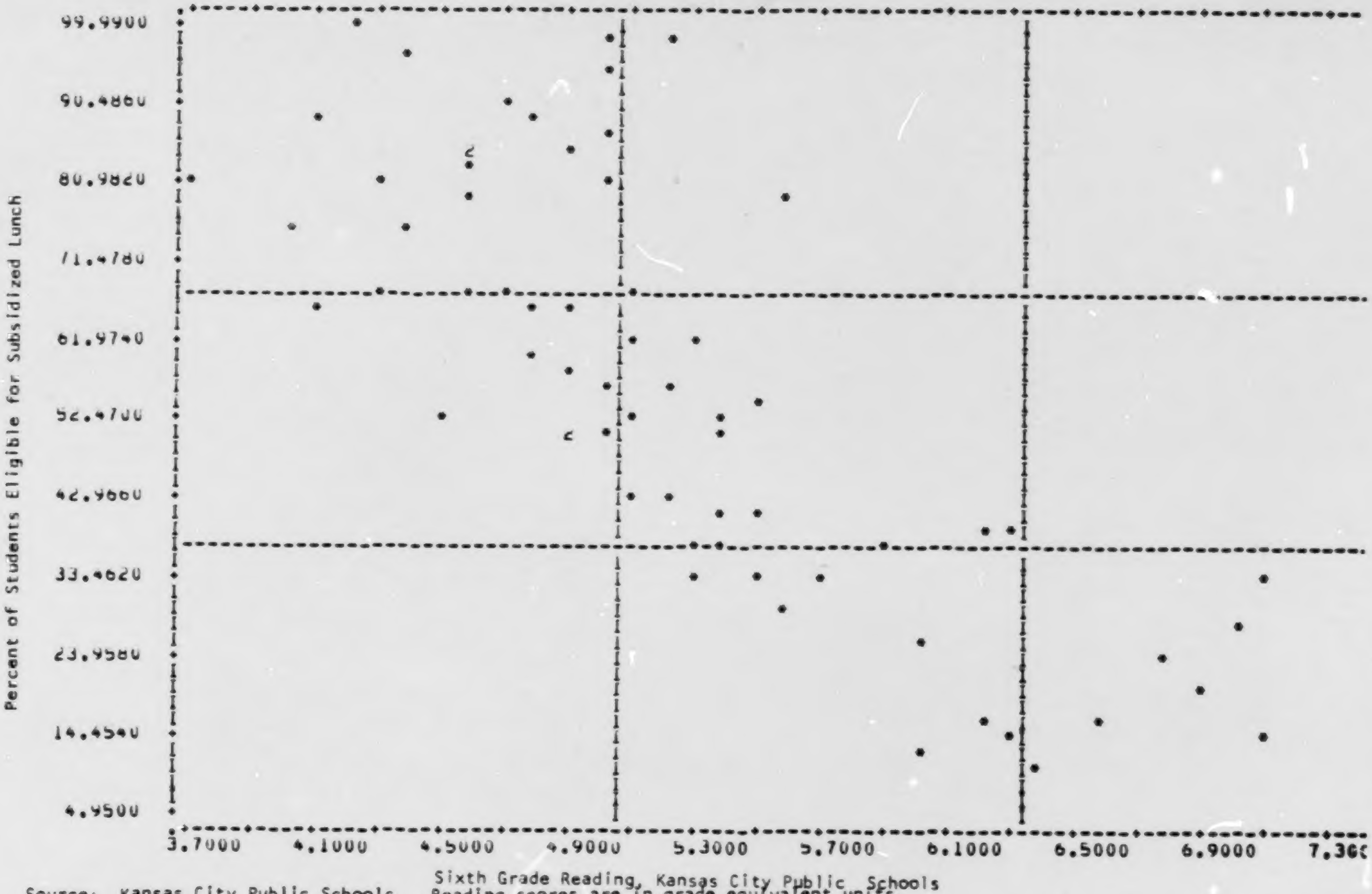
[14] Several programs of this type are described in Daniel U. Levine (ed.) *Models for Integrated Education.* Worthington, Ohio: Jones.

[15] *Fulfilling the Letter and Spirit of the Law. Desegregation of the Nation's Public Schools.* Washington, D.C. U.S. Commission on Civil Rights, 1976, p. 302.

[16] *Congressional Record - Senate,* August 27, 1976, S14773.

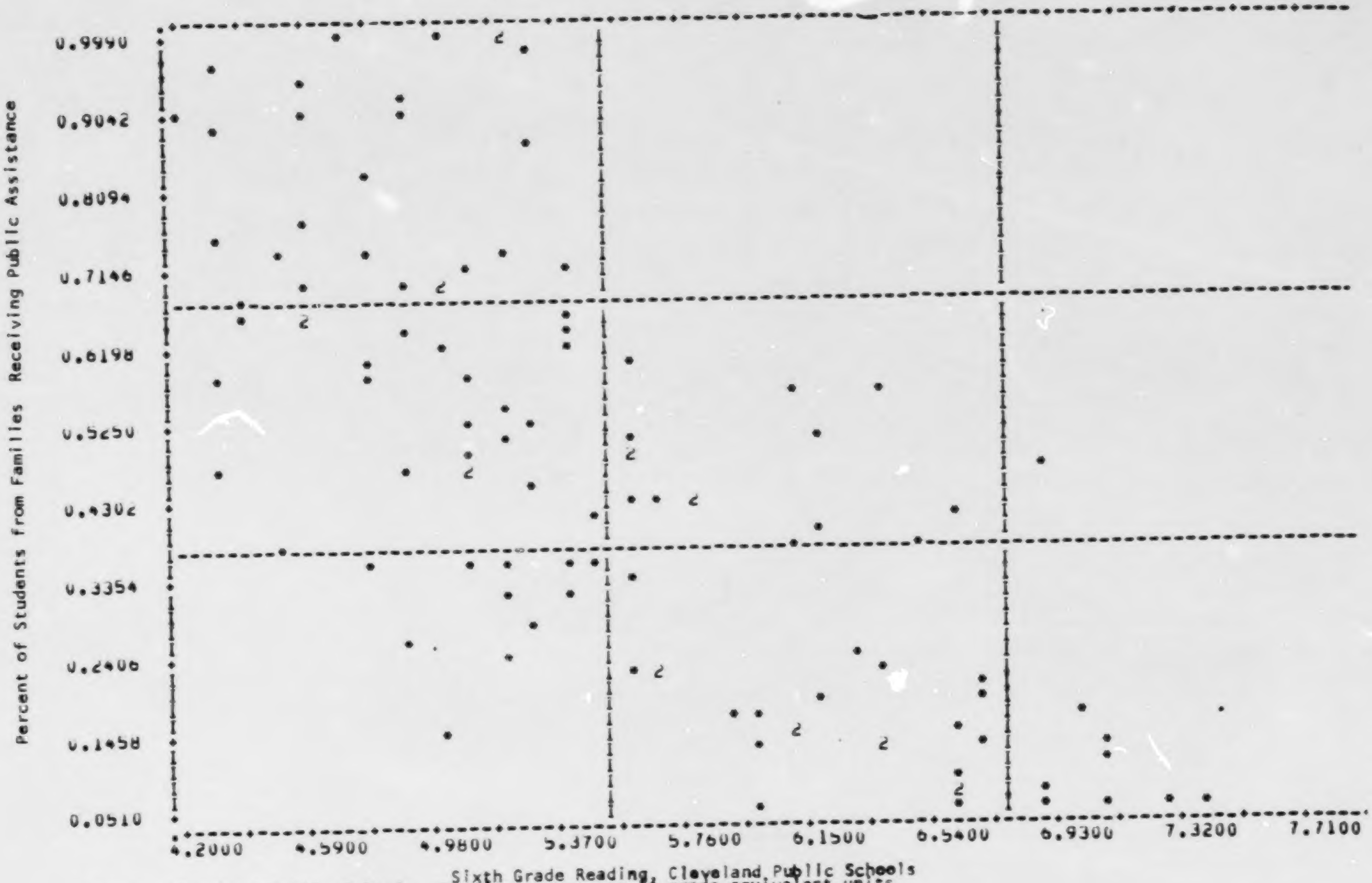
[17] *Congressional Record - Senate.* February 10, 1977, S2461.

[18] *Guidelines for School District Organization. A Project Report.* Lincoln, Nebraska: The Great Plains School District Organization Project, 1968, p. 93.



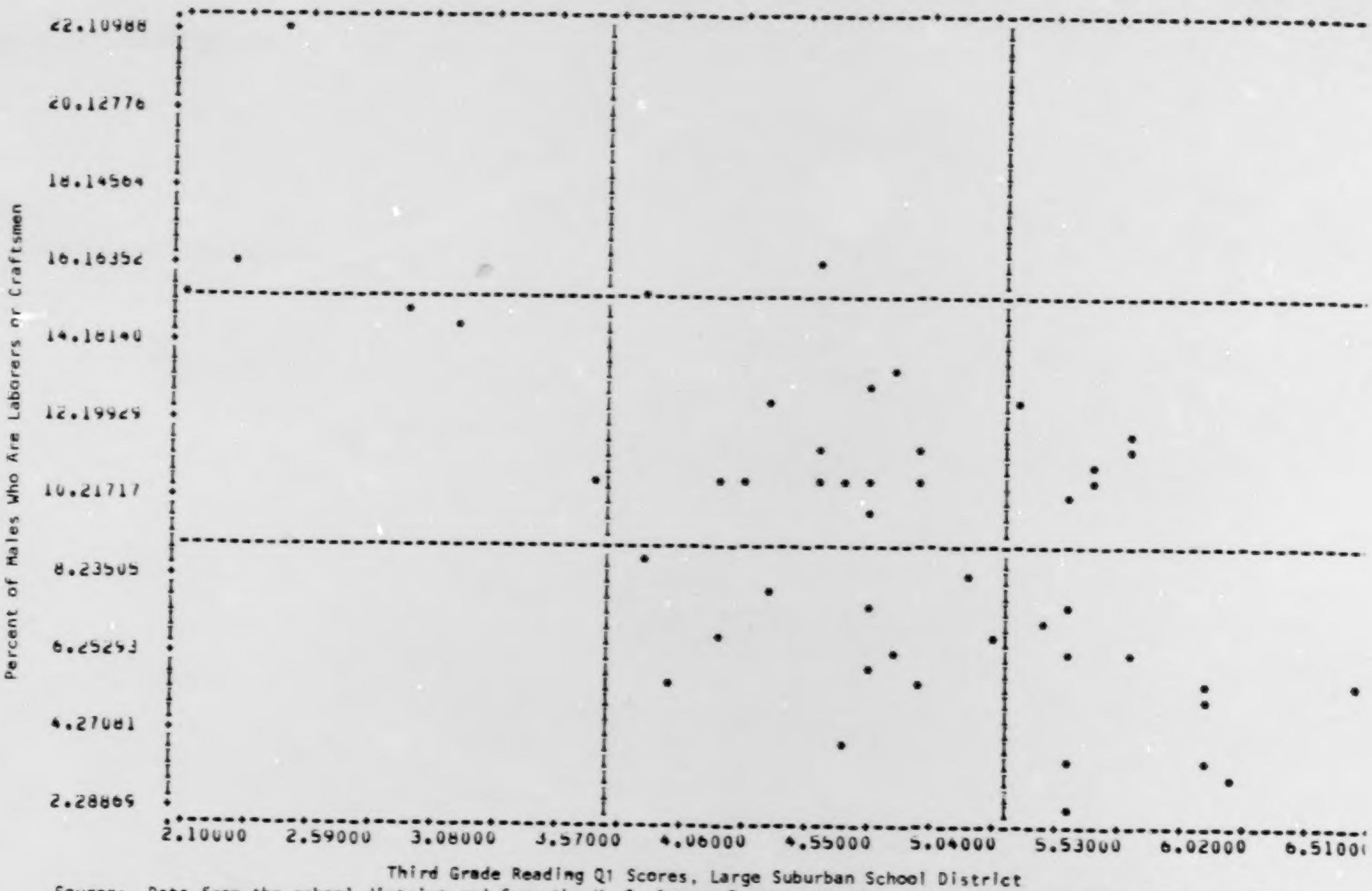
Source: Kansas City Public Schools. Reading scores are in grade equivalent units.

Figure 1.
Scatterplot Showing 1976 Sixth Grade Reading Scores (Horizontal) and Percent of Students Eligible For Subsidized Lunch (Vertical) For 42 Kansas City, Missouri Elementary Schools



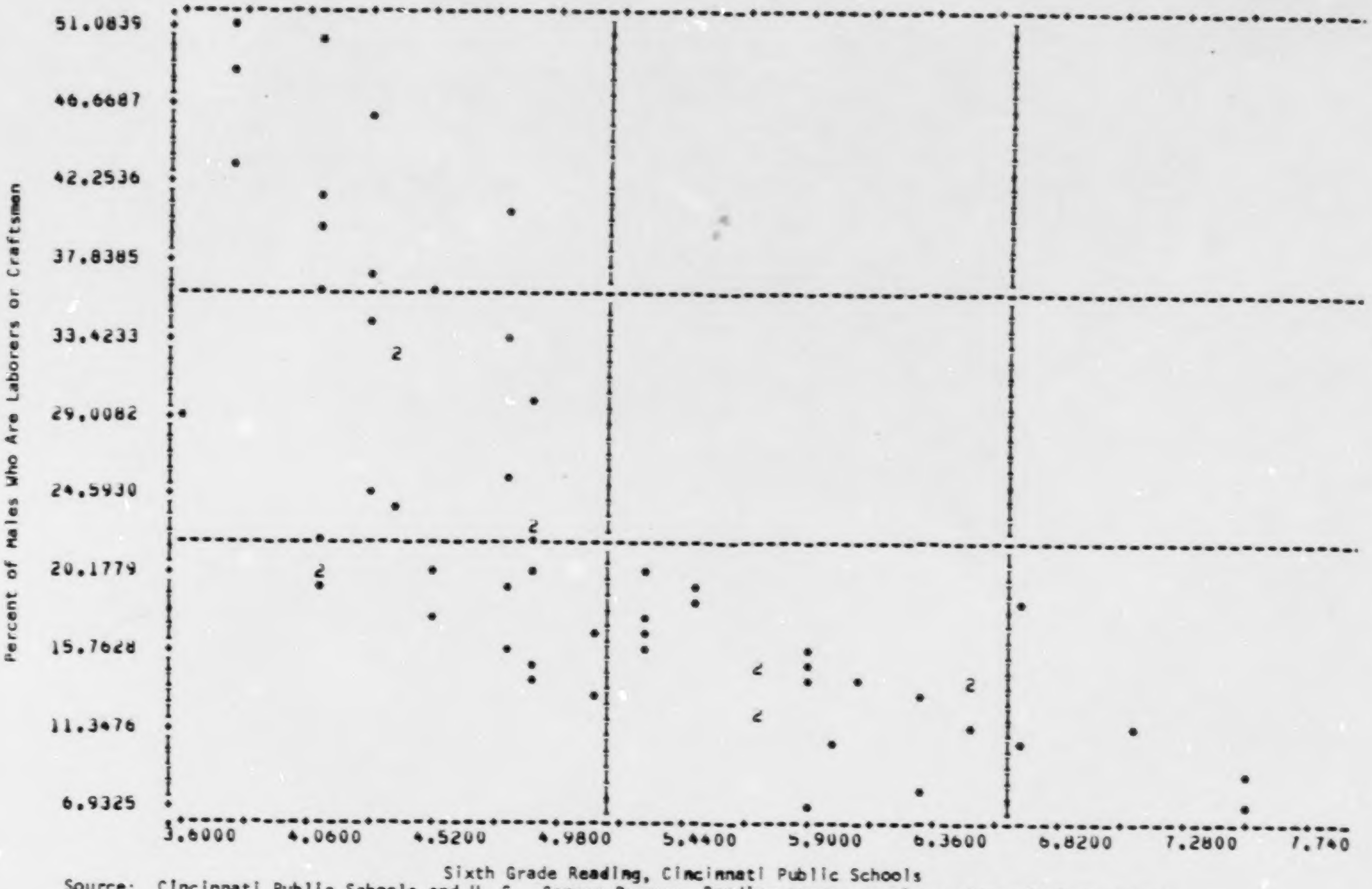
Source: Cleveland Public Schools. Reading scores are in grade equivalent units.

Figure 2.
Scatterplot Showing 1974 Sixth Grade Reading Scores (Horizontal) and Percent of Students From Families Receiving Public Assistance (Vertical) For 108 Cleveland Elementary Schools



Source: Data from the school district and from the U. S. Census Bureau. Reading scores are in grade equivalent units.

Figure 4.
1970 Third Grade Reading Scores (Horizontal) and Percent of Males Who Are Laborers or Craftsmen
For 44 Elementary Schools in a Large Suburban School District



Source: Cincinnati Public Schools and U. S. Census Bureau. Reading scores are in grade equivalent units.

Figure 3.
Scatterplot Showing 1972 Sixth Grade Reading Scores (Horizontal) and 1970 Percent of Neighborhood Males Employed as Laborers or Craftsmen (Vertical) For 63 Cincinnati Elementary Schools

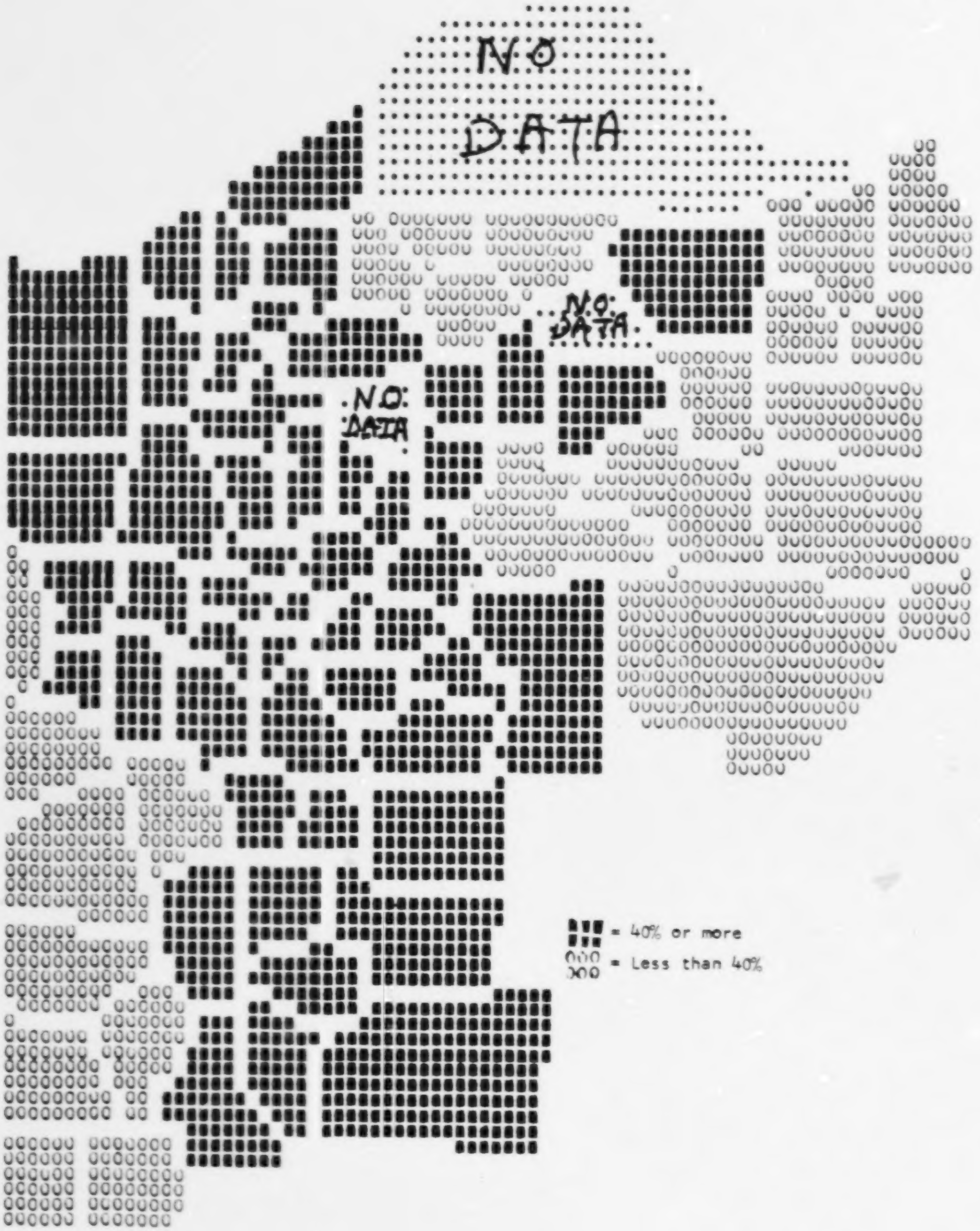
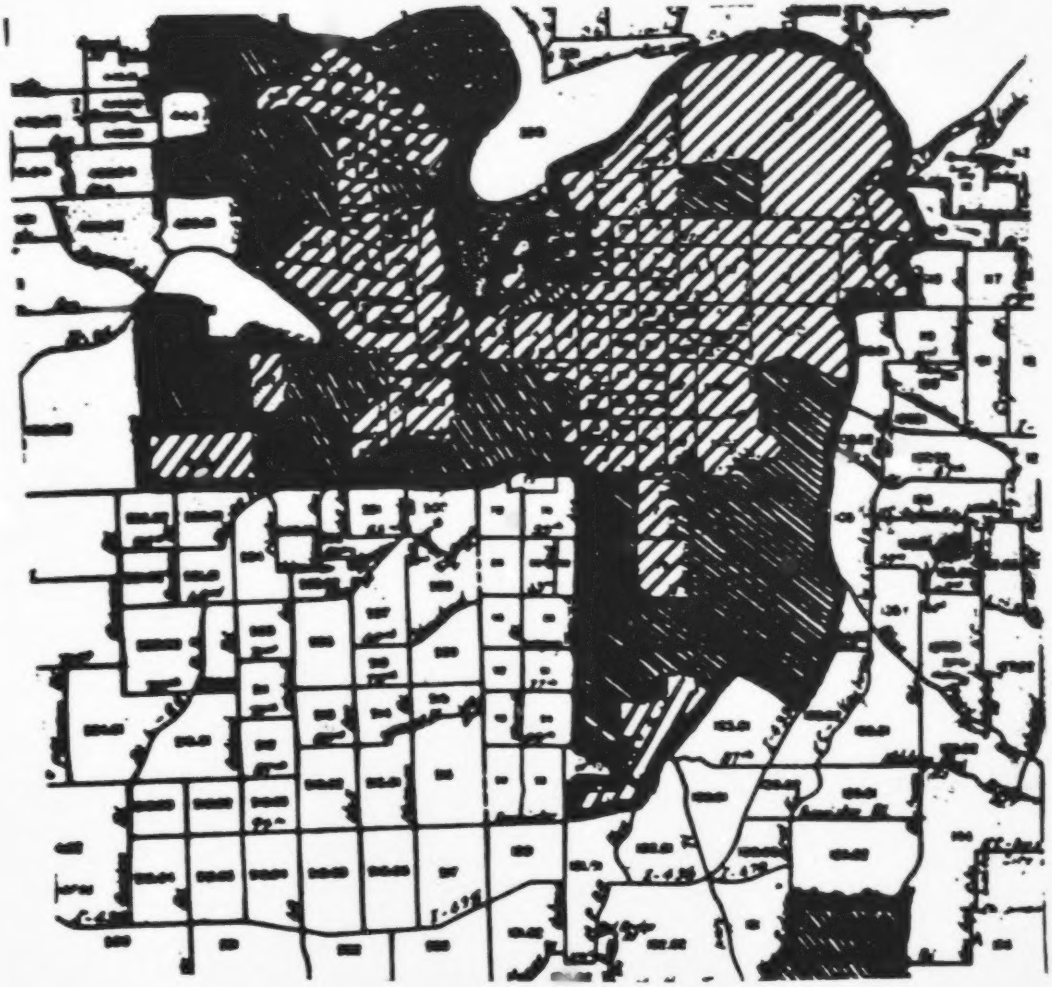
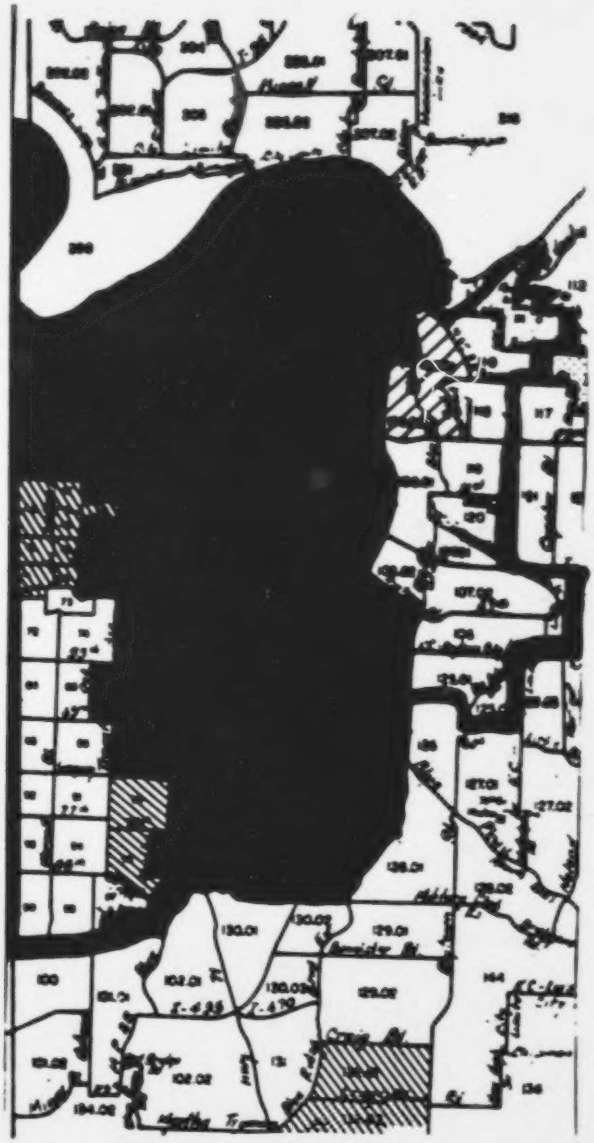


Figure 5.
Students Eligible For Subsidized Lunch by
Elementary School Attendance Areas, K.C., Mo., 1976



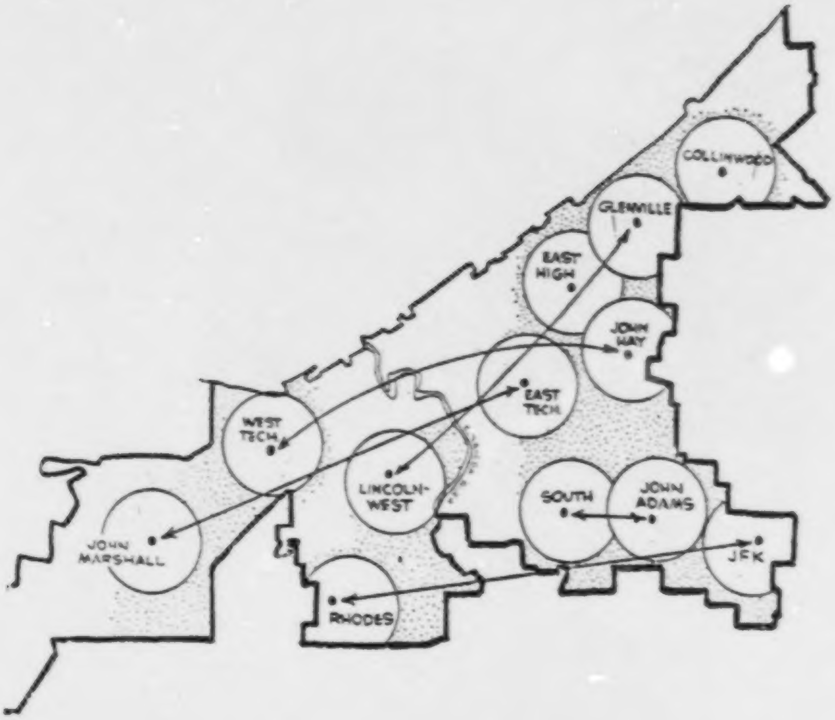
Note: The "inner city" was delineated using data on poverty, occupational status, and housing value. The inner city is the portion of the map with diagonal lines within the solid line. The inner city includes parts of Kansas City, Kansas as well as Kansas City, Missouri. Differences in direction of diagonal lines represent differences in status within the inner city.

Figure 6.
The Inner City on a Census Tract Map of the Kansas City Metropolitan Area South of the Missouri and Kaw Rivers



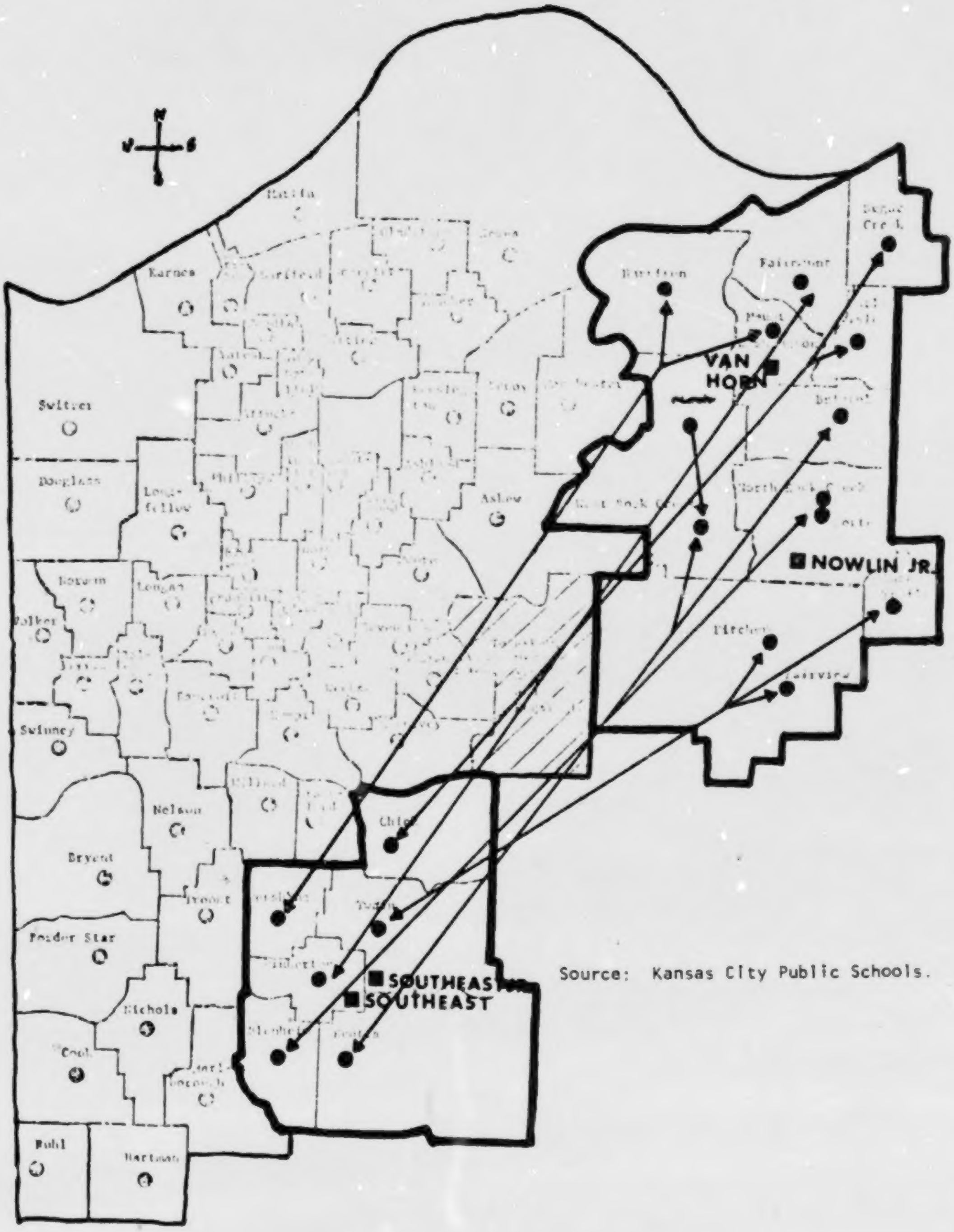
NOTE: The Kansas City, Missouri school district is outlined in black. Census tracts comprising elementary schools with achievement means 5.9 or below are darkened.

Figure 7.
Kansas City, Missouri Elementary Schools with 1970 Sixth Grade Average Reading Achievement of 5.9 or Less



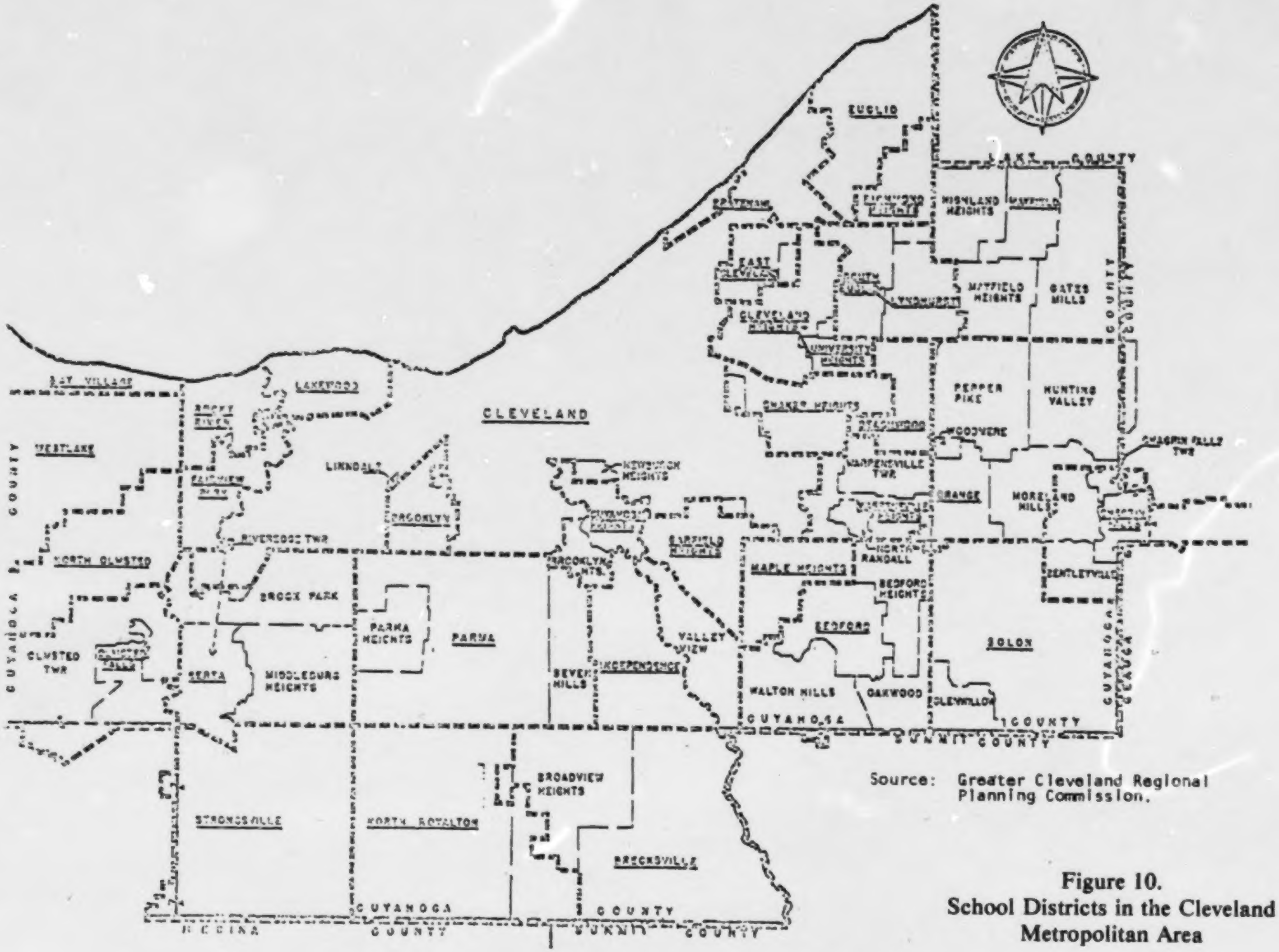
Source: Office of the State Superintendent of Schools, State of Ohio.

Figure 8.
Proposed High School Pairings in State School Board Proposal for Cleveland, 1977



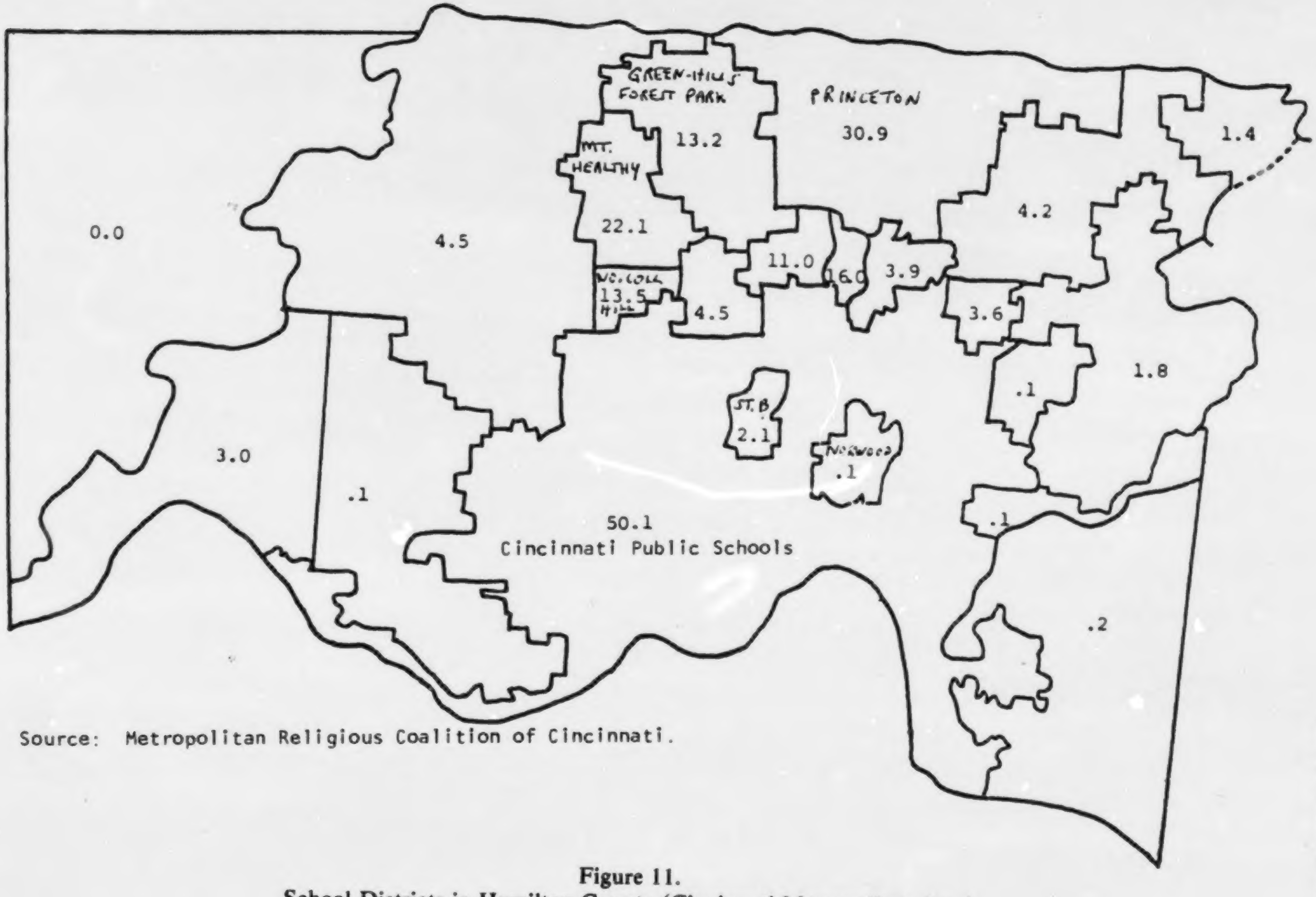
Source: Kansas City Public Schools.

Figure 9.
Proposal For Desegregation Plan in
Kansas City Public Schools, 1977



Source: Greater Cleveland Regional Planning Commission.

Figure 10.
School Districts in the Cleveland Metropolitan Area



Source: Metropolitan Religious Coalition of Cincinnati.

Figure 11.
School Districts in Hamilton County (Cincinnati Metropolitan Area)

ED148938

Metropolitan Remedies for Public School Discrimination: The Neglected Option

by William L. Taylor

Almost a quarter of a century after the Supreme Court's decision in *Brown* v. *Board of Education*, the most intractable problems of racial segregation in public schools are those that exist in the largest metropolitan areas in the nation. While a good deal of progress has been made elsewhere, the impact of two great migrations in the 1950s and 60s—of black people from the rural South to big cities throughout the country and of whites from central cities to suburbs—has created a problem unforeseen at the time of *Brown*, the existence in metropolitan areas not simply of racially segregated schools but of *segregated school districts.*

You are familiar I am sure with the statistics. According to the most recent data, the school systems of Atlanta, Georgia and Wilmington, Delaware are more than 80 percent black in pupil enrollment; those of Richmond and Baltimore are more than 70 percent black; and Cleveland and St. Louis are about 60 percent black in student enrollment.

Moreover, the migration of Hispanic Americans to the biggest cities has added another dimension to the problem of segregation. The five largest school systems in the country--those of New York, Chicago, Los Angeles, Philadelphia and Detroit—contain 18 percent of the black students and 22 percent of the Hispanic American students of the nation. In 1974, two of these districts (Chicago and Detroit) were more than 70 percent in minority enrollment, two others (New York and Philadelphia) were more than 60 percent minority, and one (Los Angeles) was more than 50 percent minority. All of these large city districts are surrounded by suburban school districts that are also racially isolated. While there are a few minority enclaves in suburbia, the typical suburban district is 90 percent or more white in its student enrollment.

It is also important to understand that racial segregation exists *within* large city school systems and that in almost all cases this segregation is the result of official actions that violate the United States Constitution. Federal courts have found unlawful segregation to exist not only in the cities of the South, but in such large northern and western cities as Detroit, Denver, Boston and Indianapolis. The evidence is not confined to those places where cases already have been decided; it is safe to predict that in almost any district where a suit is brought, it will be found that school segregation did not come about accidentally or because of the exercise of private choice, but through deliberate discrimination by government officials.

There is no question that when such deliberate discrimination is shown, desegregation is required. The legal and policy question that remains unresolved is whether remedial relief may include plans that encompass areas of the suburbs as well as the city.

The Consequences of Current Policy

Before considering the feasibility and desirability of metropolitan school desegregation, it may be useful to assess, as far as we can, what is likely to happen if metropolitan plans are excluded as a remedy and other policies affecting public schools and cities remain largely unchanged.

UD017650

One aspect of a continuation of current policy has already been noted. Even if metropolitan plans were to be entirely excluded as a remedy, it would not affect legal efforts to desegregate schools within large cities. Unless the Supreme Court changes course more drastically than anyone has predicted, lawsuits directed against such districts as Cleveland, Cincinnati, Columbus, Milwaukee and St. Louis are likely to be successful and school authorities will be directed to prepare plans that will desegregate schools insofar as it is feasible within their own borders.

If past experience is a guide, desegregation in big cities will not come easily. Plans limited to the central city seem calculated to stir both race and class resentments. The message received by many is that working class whites and blacks are expected to bear the entire burden of social change and that more affluent whites, who are viewed as doing the prescribing, somehow manage to exempt themselves from the prescription.

Nor are plans limited to the central city likely to prove lasting. This is not because (as Professor Coleman first had it) desegregation plans contain the seeds of their own destruction. Rather, the instability of central city desegregation is attributable to the fact that the forces leading to white suburbanization are continuing and powerful. Until these forces are reversed or until minority families participate in the movement to the suburbs to the same degree as whites, intracity school desegregation will not be a stable or lasting remedy.

Of course, a popular answer to the quest for a metropolitan school remedy is that housing desegregation is easier and will accomplish the same result. Current federal policy in this area opposes racially discriminatory practices but not practices, e.g., restrictive zoning laws, that exclude people from housing opportunities based on economic factors—even though such economic exclusion works a disproportionate hardship on minorities. An estimate of what can be expected from a continuation of this policy may be derived from the results obtained in nearly nine years of experience with the federal fair housing law. During this period improvements in economic status, along with a reasonably vigorous fair housing litigation effort by the Department of Justice, have opened up housing opportunities in the suburbs for a small segment of the minority population.

But progress has been slow and in some metropolitan areas the movement of minority families into the suburbs has been so dwarfed by the immigration of whites that minorities actually constitute a smaller percentage of all suburban families than they did a decade ago. This glacial pace might be accelerated if the federal government strengthened fair housing enforcement (e.g., by authorizing HUD to issue cease and desist orders), increased the funding of subsidy programs for low and moderate income families to meet the objectives set out in the 1968 Housing and Urban Development Act, and insisted that suburban jurisdictions, as a condition of receiving community development funds, take whatever steps are necessary (including modification of zoning restrictions) to meet a fair share of the housing needs that exist in the metropolitan area. But even if these steps were taken soon (and most have not yet received the endorsement of the new Administration) most experts agree that it would be many years before they had a significant impact upon the segregated conditions that now exist in metropolitan areas. They would be of little benefit to the current generation of children currently attending segregated schools.

It may also be true that employment initiatives taken by the federal government will have an ultimate bearing on the mobility of minority families and thus upon the segregated character of metropolitan areas. In assessing this prospect, however, it may be well to remember that the short-term objective of the new Administration is simply to bring the unemployment rate under control and to do something about the terrible conditions of joblessness that afflict black teenagers and others who live in central cities. Most of the dialogue is about whether it is possible to return to the employment situation that existed during the 1960s, a goal—which even if attained —will have little impact on the situation we are discussing here. Moreover, the drive to provide jobs for those who are unemployed will have little effect on the distributional inequities of the employment market—a structure which now finds minorities in the worst paying categories, often those which are most vulnerable to technological change. Perhaps I am suffering from a failure of imagination, but I find it difficult to conceive how (particularly in a post-industrial age) society can deal with this problem—the exclusion of minorities from the most skilled and remunerative categories of employment—without critical improvements being made in urban public education.

And so we return to the public schools. I firmly believe that racially integrated public education is key to the achievement of several objectives—establishing practical channels for minority youngsters to participate in the economic mainstream of this society, alleviating racial fears and misunderstanding, doing something about the bland and homogeneous qualities of so much of suburban education, qualities which seem to anesthetize so many students. While holding this conviction, however, I have tried to remain open to the persuasion of those who argue that integration is such a volatile political issue that we ought to pursue other less controversial strategies that will reach the same ends.

The difficulty comes when one tries to articulate these alternative strategies. One obvious strategy, for example, is obtaining more resources for central city public school systems. But when one examines this alternative, several problems arise. While the judicial effort to eliminate inequities in state systems for financing public education has achieved a small measure of success in state (though not federal) courts, it must be remembered that the aim of such lawsuits is quite limited. They seek only to require the equalization of the taxable wealth of districts within a state so that equal tax efforts will produce equal school expenditures. For those cities that still retain an impressive tax base (although the school system must compete with the police and welfare departments to tap it), success in the school finance suits will produce little (and in some cases no) benefits. What would produce benefits, of course, would be a major reform of financing systems that would gear educational expenditures to need. But that is not a result that appears attainable in the courts or, given the dominance of suburban interests in most state legislatures, through political channels.*

Even if more resources were somehow to become available to big city school systems there is at least a question about how they would be translated into educational results. Since instructional salaries account for about 80 percent of school budgets and since the quality of teaching is generally viewed as one of the most important determinants of educational results, one would expect that the bulk of the new funds would go to teachers. But with the mass of problems that afflict big city schools, few people seem confident that marginal increases in salaries are a surefire method to attract superior teachers to the cities. An even more sober view would take into account declining enrollments and the pinch that public education has felt as more and more cities sink into financial crisis. Given these facts, teachers' unions can surely be expected to demand that any new funds be fully absorbed in an effort to prevent layoffs and to enable their members to hold their own against the rising tide of inflation. It implies no criticism of such efforts to suggest that they are not likely to produce a significant payoff in improved achievement scores, increased educational attainment or the graduation of larger numbers of students who are equipped to meet the demands to today's job market.

If this assessment is generally accurate, no policy being pursued today or even on the horizon is likely to alleviate the distressing conditions that minority students face in big city public schools anytime in the foreseeable future. The picture I have presented is most certainly grim and I hope that I am wrong. But if the analysis is even roughly correct, it ought to open all of us who make or seek to influence public education policy to a fuller consideration of the available alternatives, including those like metropolitan desegregation that tend to be dismissed as politically infeasible.

The Feasibility of Metropolitan Remedy

Proposals for metropolitan school desegregation have not suffered from a dearth of criticism. They have been assailed as creating major administrative and fiscal problems, as requiring massive busing, as involving the construction of mammoth bureaucracies which would be inefficient and unresponsive to parental and community concerns, as offering no better prospect for stable integration than intradistrict plans.

---

*It is true of course that Title I and other federal education aid is geared to need, but as long as federal assistance remains so small a portion of total education expenditures, one cannot expect that it will play a significant role in redirecting education spending toward need.

I do not believe that any of these objections withstands careful scrutiny and I shall try to state briefly the basis for my belief. But perhaps the single most important thing to stress is that we need not assess anyone's views about metropolitan desegregation in a vacuum. In many states, particularly in the South and West, school districts have long been organized on a county basis and such districts frequently are urban counties containing both a central city and its suburbs. Over the past several years many of these districts, including Charlotte-Mecklenburg, N.C. Tampa-Hillsborough and other Florida counties, and Nashville-Davidson, Tenn. have adopted county-wide desegregation plans. While every metropolitan area may pose its own special problems, those that *have* undergone desegregation present a fair sample of the difficulties that may have to be surmounted in the desegregation process. Among the metropolitan areas that have desegregated are some that are very large in the land area (such as Las Vegas-Clark County which covers 8,000 square miles) and others that are among the largest in the country in student enrollment (such as Miami-Dade with 241,809 students and Tampa-Hillsborough with 106,294). From an examination of the experience of these districts and from other information, the following conclusions emerge:

- *Interdistrict school desegregation remedies are administratively feasible.* While desegregation of a metropolitan area is likely to require a realignment of district lines* with attendant fiscal and administrative problems, the framework for dealing with these issues is already available in almost every state. In 48 states, state boards of education that have overall responsibility for education affairs have at their disposal established procedures for the reorganization of local districts through consolidation, annexation or merger. Over the past half century, these procedures have been used widely throughout the country to reduce drastically the number of school districts.

The administrative problems posed by a metropolitan remedy have already been dealt with in a school desegregation context in the merger of Louisville schools into the Jefferson County system. In the Wilmington school case, a federal court was able to rely on existing provisions of state law to answer many of the problems posed by the need for consolidation.

- *Interdistrict desegregation remedies need not impair local control over education.* Behind the sloganeering about "local control" lies a genuine concern about the ability of citizens to participate in decisions affecting the education of their children. But even in larger urban areas, a metropolitan plan for purposes of school desegregation need not threaten local decisionmaking powers. The prime responsibility of a metropolitan school authority would be to assign children to schools in a nondiscriminatory manner; there would be no need to centralize authority over other aspects of the educational process. Let me illustrate: In Richmond, Virginia the plan adopted (in a decision which did not stand) would have divided the newly consolidated district into six subdivisions consisting of 9,000 to 20,000 students each. These community districts might have had the authority to hire their own faculty and administrative personnel, make decisions about curriculum and the allocation of budget.

In fact, there is evidence that the desegregation process has actually increased parental participation in some districts, undoubtedly because parents receive a new stimulus to take an interest in what is going on in the classroom.

- *Interdistrict desegregation remedies do not require excessive busing.* By law, of course, desegregation is limited by considerations of feasibility. In the *Swann* case, the Supreme Court made clear that student transportation may not be "so great as to risk either the health of the children or to infringe significantly on the educational process."

In practice, there has been no conflict between efforts to achieve thorough desegregation of a metropolitan area and efforts to keep busing times and distances within manageable limits. In Charlotte-Mecklenburg, for example, the county-wide plan approved by the Supreme Court which completely desegregated the district involved a maximum travel time of 35 minutes, a *reduction* of the busing times that prevailed before desegregation. Clark County, Nevada's land area of 8,000 square miles makes it as large as Connecticut, Rhode Island and Delaware combined. When the district was desegregated by court order in 1972, the average travel time was only 30 minutes for a ride that averaged 11 miles.

---

*One possible interdistrict remedy is to assign children across the boundaries of existing districts, leaving the district lines undisturbed. But this would result in a significant number of parents paying taxes in one district while their children attend school in another district, and is unlikely to be preferred, except perhaps as an interim measure.

The reason why metropolitan school desegregation plans appear to entail relatively modest busing requirements is that city-suburb lines frequently separate schools that are drastically different in racial composition but that are geographically close together. In fact, in some cases the need for busing to accomplish interdistrict desegregation is far less than what would be required to desegregate *within* the district. Hartford, Connecticut is one example of a district whose minority schools are located in a sector of the city where no predominantly white schools are situated. The pairing of these schools with nearby white schools in adjacent suburban communities would be logistically simpler than busing students across Hartford's commercial and industrial center to other city schools.

- *Interdistrict plans provide for stability and maximize prospects for education gains.* Contrary to the predictions of some, school desegregation remedies implemented on a metropolitan basis have proved to be quite stable. After metropolitan desegregation was ordered in Charlotte-Mecklenburg, Tampa-Hillsborough and Nashville-Davidson, the districts experienced some loss of white children to private schools in the initial years. Yet in each situation, white children began to return to the public schools, and after several years desegregation was widely accepted and regarded as stable.

The apparent stability of metropolitan remedies may be attributed to the fact that such remedies take place on terms that most parents perceive as not educationally disadvantageous. While intracity plans often perpetuate economic segregation, metropolitan plans tend to result in schools that are integrated as to income and economic status as well as race.* In Charlotte-Mecklenburg, the approved plan established a range in the racial composition of the schools from 9 percent to 38 percent black, roughly reflecting the racial makeup of the district as a whole (71 percent white, 29 percent black). While socioeconomic desegregation was not an explicit aim, the remedy inevitably meant that the great majority of schools would have enrollments consisting mostly of advantaged children. Such schools are viewed by parents in far more positive terms than those whose enrollments are dominated by lower income students.

This view of parents is strongly supported by social science evidence and the experience of individual districts. The findings of HEW's comprehensive 1966 study—that the socioeconomic character of the student body is the most important school factor influencing educational outcomes, that children from disadvantaged backgrounds tend to do best in classrooms with a majority of advantaged students, and that advantaged students do not suffer from the presence of low-income children in the classroom—have been confirmed by numerous reanalyses and studies of individual districts.

Further reinforcement comes from the results of several programs for enrolling inner city children in suburban schools. While these programs (in Boston, Connecticut, Rochester, N.Y. and elsewhere) typically enroll relatively small numbers of children and provide only one-way busing, the results have been uniformly positive. Perhaps most important is the fact that gains have been reported that are attributable to "noncognitive" factors, i.e., that children enrolled in schools in which high educational achievement is the norm tend to continue their education. One of the strongest academic critics of desegregation has conceded that students who were bused in Boston's METCO project tended to enroll in higher quality colleges and universities, noting that suburban schools exercise a "channelling" effect because they afford black children special contacts that are not available in central city schools.

- *Metropolitan desegregation plans offer educational advantages beyond those of integration.* School authorities around the country have seen advantages in interdistrict cooperation. Needs for programs to upgrade the offering to gifted and handicapped children, to provide a broader range of counselling services, to respond to demands for more sophisticated career and vocational training all suggest the value of such cooperation. Similarly, efficiency in training teachers, improving administrative services and in using computers and other expensive equipment as instructional tools also point toward centralized or cooperative efforts.

---

*The economic gap between cities and their suburbs continues to grow. Larry Long of the Bureau of Census has recently reported that while median family income in 1960 was $800 lower in cities than in suburbs, by 1974 the deficit had grown to $2,700.

With school enrollments declining in some districts while continuing to grow in neighboring jurisdictions, cooperation would facilitate efficient and rational planning. And a further effect of consolidation would be to eliminate fiscal inequities that exist among districts in many metropolitan areas.

Interestingly, much of the cooperation I have described is going forward among suburban districts with central cities excluded. Whether or not such programs can work without central city involvement, certainly metropolitan desegregation is consistent with these cooperative efforts to meet other educational needs.

In sum, metropolitan school desegregation is not only a "plausible" remedy, but practical experience suggests that if we are seeking policy interventions that will benefit the generation of children now in public school, it is the most promising initiative at hand. It ought not be discarded on the say-so of political pundits or because we lack nerve or leadership.

The Prospects for Metropolitan Remedy

The legal considerations governing metropolitan desegregation will be dealt with in detail later in this program. But it may not be an oversimplification to say at this point that the Supreme Court's narrow 5-4 rejection of an interdistrict remedy for Detroit proceeded from a misapprehension of the current urban reality and an all-too-acute perception of the political reality prevailing in 1975.

The majority's misunderstanding of urban reality is most clearly revealed in Mr. Justice Stewart's statement that the concentration of black children within the city of Detroit was caused by "unknown and perhaps unknowable factors." In plain terms, the issue on which Justice Stewart professed ignorance was whether the segregated character of metropolitan areas is explainable largely as the product of free choice by individuals or whether constraints imposed with government help have deprived some people of the choice of where to live and where to send their children to schools. Perhaps we need a sequel to *Roots* to dramatize the legalized caste system that replaced slavery and to make clear that the belated civil rights measures of the 1960s have at best provided partial redress for a small segment of the black population.

Lacking that, it will fall to the lawyers in our plodding way to build a more persuasive record in the courts of government practices that add up to a policy of effective racial containment. Whether we are successful in that endeavor, however, may well depend on whether other actions are taken which will modify the Court's perception of a hostile political climate. Mr. Justice Marshall put the matter gently but clearly when he said in dissent in the Detroit case that:

> "Today's holding, I fear, is more a reflection of a perceived public mood that we have gone far enough in enforcing the Constitution's guarantee of equal justice than it is the product of neutral principles of law."

The sensitivity of the Court to the public mood and to the attitudes of political leaders is neither new nor surprising. The Court did not give effective content to the remedial obligation of southern school districts to desegregate until 1968, 14 years after the *Brown* decision. It did so only after Congress ended its long abdication of responsibility by enacting the Civil Rights Act of 1964 and after the Executive Branch took affirmative action to interpret and enforce the law.

What is needed now is a similar shift in the negativism that has afflicted the political branches of government in recent years. Such a shift would be reflected most productively in new legislation designed to encourage and subsidize cooperation between cities and suburbs to achieve school desegregation.

A new aid program should permit diversity in the avenues chosen to achieve desegregation. Substantial funds should be made available for communities prepared to provide for durable, two-way desegregation plans accompanied by other initiatives to improve educational quality. Special aid could be made available to communities prepared to undertake serious planning to link school and housing remedies. Such plans might provide for short-term busing to achieve desegregation while longer term efforts were being mounted to develop new housing opportunities in racially and economically integrated communities.

At the same time, there is no reason to deny assistance to communities that are prepared now only to participate in more modest efforts. Experience with Boston's METCO, Connecticut's Project Concern and other similar endeavors has demonstrated that even one-way programs involving small numbers of children can produce benefits for all who participate. Indeed where district school boards and administrators are reluctant to apply for assistance, aid might be made available directly to parent-teachers groups from city and suburban schools who are prepared to work together toward desegregation.

The overall objective of the legislation would be to add to the already impressive body of experience that school desegregation undertaken through various forms of metropolitan cooperation can be educationally beneficial to all who participate. The major caveat that would be required in the law is that the participation of a school district in a voluntary program could not be used as a device to purchase immunity from the larger legal obligations a court may later determine the district has to more thoroughly desegregate its schools.

Legislation of the kind I have described is not entirely new. As part of the 1972 Emergency School Aid Act, Congress provided a set-aside for voluntary interdistrict efforts to achieve desegregation. HEW's administration of that law was marked by neglect, perhaps not entirely benign, and Congress later repealed the set-aside, allegedly because of lack of interest. With new leadership at HEW, the results this time can and should be different. But the prospects for new legislation ultimately will depend on initiatives taken by people. If parent and community groups begin to take a more aggressive stance on behalf of desegregation, if more central city school authorities avow an enlightened self-interest in metropolitan remedy (perhaps even before they are sued), if more state education leaders follow the example of Superintendent Cronin of Illinois in asserting the state's interest and responsibility if more state legislatures follow the lead of Wisconsin in establishing their own programs to aid interdistrict cooperation, there is every reason to believe that we can at last mount an effective attack on the deprivation and discrimination that now mark urban public education.

After a long and difficult winter, we are all looking eagerly for harbingers of spring. I find some cheer in the forcefully expressed concern of President Carter and his new Administration for the protection of human rights around the world. But if we are not to be subject to charges of hypocrisy, our new concern about human rights on a global scale must be accompanied by a more searching examination of our own practices at home. It would be difficult to explain to a foreign visitor how the conditions of segregation, deprivation and hopelessness that mark inner city neighborhoods and schools differ materially from systems of apartheid that exist in other countries. Perhaps one of these days we will decide that our time is better spent in trying to change these conditions than in rationalizing them.

Metropolitan Desegregation: How Is It Working Today?

A Panel Presentation

DOLORES E. CROSS, Moderator:

On the way out yesterday, I had the pleasure of reviewing a remark Meyer Weinberg made in the Congressional Record last year: "Desegregation does not create problems, it uncovers problems." I think this is what some of us have experienced today. We're working in the area of desegregation, and yet, every presentation seems to uncover new problems. And perhaps uncover some of the old problems again.

So much time is being spent trying to say it again, and clearer, that it draws from the reality of our national avoidance of the fact that racism is an unfortunate U.S. tradition. If we admitted this or really felt it, it might be possible to see the depth of changes that would have to occur to obliterate this tradition. Yet some people really cannot get seriously involved.

The members of this panel are seriously involved. They will preface their remarks by statements related to their participation as citizens, parents and educators in desegregated situations. As part of my opening remarks to you I'd like to also introduce myself to you.

I'm Dolores Cross. I've lived most of my growing-up years in Newark, New Jersey. I was a public school teacher in Newark, and in the New York City public school system. In the 60's, I was a parent in the Malverne-Lakeview District during its deliberations on integration.

I'm presently at Claremont Graduate School as an associate professor and director of teacher education. My research is largely in the area of classroom processes, multi-cultural education and child development.

As a researcher, teacher, and administrator, I'm continually intrigued by the media's perception of what's happening with desegregation. In a recent assessment of the Los Angeles School Board's current plans for desegregation, the *L.A. Times* noted that each plan failed to deal with such critical issues as staff prejudice, white flight, and housing segregation. It is my contention that response to these issues is difficult, not because we lack data but because we lack a clear idea of the processing of information, behavior and attitudes of school personnel within the boundaries of systems to be desegregated.

Specifically, we lack a clear idea of whether or not there is a core of psychologically healthy change agents in the persons of teachers and administrators, who can demonstrate a serious involvement with desegregation. This implies participation in activities which improve instructional and leadership strategies and diminish interpersonal conflicts.

It also implies serious involvement in the assessment of what is being imported and what is being exported about children, their parents and the community across the systems boundary. Desegregation requires change agents who are involved also in planning for quality and continuous multi-cultural education for educators.

The State of California has instituted legal requirements for multi-cultural education for certain school districts. Specifically, Article 3.3 requires that each school district with one or more schools that has 25 percent or more minority composition provide teachers and other staff of those schools with in-service training in the history, culture and current problems of racial and ethnic minorities.

I've recently completed research which explores the impact of multi-cultural inservice on teachers in some districts in California.* The results suggest that what was thought of as training to alter teacher attitudes and behaviors has hardly scratched the surface. It's important to note that these teachers are viewed as having completed in-service training in multi-cultural education, in compliance with legal requirements. Yet experience indicates that multicultural education for teachers cannot be accomplished in brief, terminal programs. It must be part of continuous inservicing.

The members of this panel are involved in the intent and practical aspects of desegregation. They will make their presentations in alphabetical order.

E. LUTRELL BING:

Desegregation in our Hillsborough County School District is working beautifully. Beautifully is an understatement in relationship to the objectives of the desegregation process in our school district. Prior to the implementation of our desegregation plan, when one reviewed the history of education throughout the world, and the history of education in my school district, there was one overwhelming conclusion as relates to *commonality*. That commonality was *"unequal educational opportunity for all."* Until our plan was implemented, nowhere in the district and at no stage in the development of a system of free public schools for the district, was there "equity in educational opportunity." In the past, there had been some serious as well as feeble attempts at parity of educational opportunity. Part of these attempts were exemplified through the "separate but equal doctrine." Overwhelming evidence strongly substantiates that the desegregation effort in our district has proven to be the one and most successful "tool" in bringing about "equal educational opportunity." When one pauses to reflect, the one and only objective of desegregation is to bring about "equal educational opportunity." With the successful implementation of our desegregation plan, we have and are providing to the greatest extent ever, "equal educational opportunity." After all, that is what it is all about, because, for the first time in history, the school district is no longer abridging the inherent and constitutional rights of certain of its citizens.

We have been successful in our school district in indoctrinating most citizens that the inherent right of each child to an "equal educational opportunity" has nothing to do with his academic progress in an integrated setting. Again, the question was not one of academic progress, but "equal educational opportunity." However, all research in my school district indicates that students who were previously denied equal educational opportunity are now performing much better academically in the new integrated setting. Our experiences further indicate that this academic progress is not at the academic expense of the majority population. In fact, the majority population's academic performance has also improved in the new setting. To be more specific, prior to desegregation our white elementary pupils' test scores were much below national norms and the scores of our black pupils were so low that we just swept them under the rug and wished that no one would ask questions. Presently, all students in the distribution, black and white, at the elementary level were at or above the national norms as assessed by the California Test of basic skills. We are slightly below national norms in the basic content areas for all students in the distribution at the secondary level. However, we are vigorously working on this and expect an academic thrust that would result in exceeding national norms.

May we hasten to explain that we are not crediting desegregation per se with these academic gains. However, we are saying that the implementation of our desegregation plan provided us an opportunity to do a number of things that we either did not have the courage to do, or did not sufficiently feel a need of doing, or did not feel it feasible to do.

Some of these opportunities were:

1) Study and re-evaluate curriculum,
2) Re-study organizational patterns,
3) Institute special teacher training programs,
4) Implement training programs for administrators and support personnel,

---

*To appear in the University of California: Educational Research Quarterly (Winter, 1978).

5) Re-study our assessment instruments, and
6) Study our total educational delivery system.

The opportunity to do the aforementioned things contributed to the academic progress of our students in an integrated setting.

Our school district is a countywide one with a population of about 700,000 persons. Geographically, there are 1,027 square miles with three municipalities. The school board has autonomy and taxing powers in providing educational programs in 133 schools and 10 educational centers for 115,000 pupils in grades K-12 and 30,000 adult day, evening and part-time students. There are about 6,500 teachers, 11,000 full-time employees and a total of 13,165 full-time, part-time, temporary and substitute employees. We are presently transporting 60,000 pupils daily in about 400 school buses that travel some 43,000 miles daily. Of the 60,000 pupils transported daily, only between 25-30 percent are transported for desegregation implementation. Our plan provides for racial balance in all of the schools and the ratio in each school approximates 82 percent white and 18 percent black. That same ratio is maintained for teachers, administrators, and all levels of employees.

Through the acquisition of federal funds, we were able to implement many viable programs. The one I will take the time to mention is our human relations program, which has contributed immensely in promoting wholesome interaction and interpersonal relations among students and teachers. It has provided training for students, parents, and staffs and has served as a tremendous force in reducing tensions, conflicts, and apprehensions. In summary, this program has had an overwhelming influence in attaining and maintaining a positive atmosphere for teaching and learning.

Although the problem is diminishing, we still have serious concerns relating to the disproportionate number of black suspensions and expulsions. We have sought the assistance of the community in helping us to analyze and find solutions to the problem. We are providing workshops in classroom management skills for teachers, for we feel that many of the problems are not really racial, but have racial overtones, due to deficits in classroom management skills.

In conclusion, morale among students, staff, and the community in general appears to be high. Students, particularly, seem to accept each other as human beings and seem to be developing an appreciation of the differences that exist among them. Further, in closing, I would like to add that "desegregation" can be relatively easily accomplished because it is administrative in nature. It simply involves the moving of people and things–while, "integration" is much more difficult, for it is educational in nature. It involves, among other things, the changing of attitudes of people. That is where we are in Tampa, Florida—we have successfully desegregated our schools and for the first time in the history of education in our district, we are providing "equal educational opportunity." Now, with all of our vigor, we are in the process of integrating our schools.

BEVERLY CLECKNER:

I'm glad Lutrell went before I did, because I found out what I've been doing. My name's Beverly Cleckner, and I'm from the metropolitan Nashville, school system. I am Nashvillian by choice, not by birth. I'll tell you what I've been doing.

I make sure that the students don't get shafted. My job has been to help develop positive attitudes and behaviors on the part of the school system personnel that will carry over into the classrooms.

First, I hate to disappoint you, but I don't know *all* that has happened over the past six years. But what I have tried to do is to pick out some things that I think are important to our particular situation, that might have some meaning for you.

I can only tell you how desegregation is working in Nashville in light of what it was supposed to do. First, I'll discuss what the court said, and then I'll describe for you some interpretations by the community of the court's action.

Number one, the metropolitan Nashville schools were desegregated because, according to the court, there existed a dual school system. We were to no longer have black and white schools.

We would no longer have one system that was inferior to another system.

The community was told or inferred that if we did away with the dual school system certain things would happen:

First, academic achievement would increase, especially among those who had previously been in "the inferior school system."

Second, when these students left the system, they would have increased saleable skills. Therefore, minority unemployment would go down.

Third,—and this perhaps wasn't quite as important as the previous two in the community's perception of what they should expect—the child's sense of self-worth would be enhanced.

Fourth, additional benefits purported by some community leaders included a more positive attitude toward the school system, and the belief that the system would have increased credibility, due to a more positive attitude of the community.

Fifth, we would promote understanding between blacks and whites; therefore, we would have improved communications between two segments of our society. And by doing that, we would automatically decrease our social problems: poverty, inadequate housing, et cetera.

Now, that's my interpretation of how the community was "persuaded" to accept desegregation. These have become the factors which the community has used to either promote or to defeat the desegregation plan. Let's look at what has actually happened.

First, academic achievement. That's what the public is looking for: cold, hard evidence, not "educational hogwash."

According to our most recent report, over the last three years there were slight increases system-wide. In reading skills, we've had fewer students in the lower stanine. There has been an increase in the average reading scores of the children. Math achievement has stabilized. These facts have been received positively by the community. This is what they consider basic education. They want their children to learn how to read and write and add and subtract.

These slight increases may not seem significant to some, but to us they have been good news, considering the problem of white flight facing the system. There has been white flight to the outer realms of the county which were not included in the court order, as well as to neighboring counties. There has also been white flight to private schools. The average white flight student has usually been an average or above average achiever. So for the present school populace to have made increases in the basics may be even more significant than would appear at first.

In addition to academics, there are other important developments, such as the credibility of the school system. An important credibility factor relates to how students feel about the school, since the way students feel influences how parents feel. Not only am I involved in the desegregation process as a staff person helping the adults deal with the kinds of things that they're encountering, I am a parent—a parent of four children who at one time were in four different schools, leaving at four different times, and coming home at four different times, going across town, and in high schools where there was a decrease in the periods, etc. These have been the things which have created negative attitudes toward the school system, instead of positive. There have been a lot of things that the schools have had to overcome. Some of the desired results are missing. We are not yet able to say students are graduating with increased saleable skills. We're making an effort in that direction by providing an expanding career education program.

We are working on increasing the credibility of the school system by changing the image. One thing must be realized by public educators is extremely important. Parents want a school that will enable their child to look good. If the school that my child attends does not not help my child's image, neither does it help mine. While one may not necessarily agree with this line of thinking, it must be dealt with.

What else are we facing? One problem familiar to all: inadequate funding. Funds have been taken out of programs and put into other areas, such as transportation. This causes some to believe that "transportation is desegregation." Another problem is a decreasing birth rate, combined with a metropolitan populace that is getting older.

There is a new plan recently submitted to the school board to remedy the problem of resegregation. This plan would require that a number of schools be closed. Among these is a predominantly black—at one time all-black—high school. Segments of the black community now are calling for maintenance of that predominantly black school.

Thus there still exist the same problems to be resolved: How will the schools more effectively and efficiently provide the results the community is asking for—the academic achievement, saleable skills, the enhancement of the child's self-image, et cetera?

There are no magic solutions. However, we must begin to realize that only through exchanges such as these, nationally and locally, can we begin to achieve our goals.

What we are facing is much like a statue that stands in a museum in Rome. This statue is of a middle age man; on his back he is carrying his ancient grandfather, and his outstretched hand is clasped by a child pulling him forward.

Now, as people involved in desegregation, we have the past on our back, the future in our hand, and the now to deal with.

ROLLAND JONES:

The program says that I'm the former superintendent of the Charlotte-Mecklenburg schools. Back last June, when I was superintendent of the Charlotte-Mecklenburg schools, I was invited to this beautiful Sin City by President Ford, at the request of [Commissioner of Education] Ted Bell and Secretary [of HEW] Mathews, along with seven other educators to react to proposals.

The proposition submitted by President Ford and Attorney General Levi was an anti-busing proposal that I believed would turn the calendar back on school desegregation. So I told the President that. I was the only one in the group who did. My comments were picked up by the national media. Other members in that group of eight said they'd liked to have given the President that advice, but they had to go home and face their school board members and the voters.

The proposal by Dr. Bell and Dr. Mathews for community involvement received my wholehearted support at the conference because it's a primary method I've used for years, and have advocated. That subject was too tame for the news to report.

I went back to Charlotte. The school board had a televised public meeting, gave me hell publicly for accepting the invitation in the first place, for denouncing anti-busing legislation in the second place, and for saying that desegregation was working in Charlotte, in the third place. The fourth place wasn't very long in coming. I was fired, publicly at a televised school board meeting, without notice. In short, I guess I needed Beverly's help. I was shafted.

It has given me time, however. It gave me time last fall to work for the Carter-Mondale campaign. It gave me time to attend this conference. I'm now looking at other superintendencies. I guess I'm a glutton for punishment. I'm still not afraid to say I support desegregation. I go even further to say I support metropolitan desegregation.

If you know of any school systems looking for a superintendent with those convictions, please send them my way. I guess this example does give us one of the first results of "Metropolitan desegregation: How is it working?" It's certainly helping to create a turnover in school administrators.

I think I've prepared my remarks a dozen times for this conference in as many different ways from as many different angles. When I got the program last week and saw the two dozen outstanding experts on every aspect of the metropolitan problem, I decided to try to stay out of others' areas of greater expertise, and limit myself to one theme which I believed would not be duplicated in others' remarks: the involvement of the public in order to further metropolitan desegregation. I knew in the first place that some of the nitty-gritty of desegregation in Charlotte would sound very much like the Tampa-Hillsborough story, but where that was a Bing, Charlotte was a bang.

Also, polls and statistics are beginning to leave me very cold, because they say very little about the dream that Martin Luther King had or about the quality of life in America today. Now, the subject of community involvement doesn't have the hackle-raising excitement or the emotional charge of some other aspects. It's slow, tedious, nuts-and-bolts hard work, and it can be easily destroyed by the intemperate comments of homegrown, indigenous demogogues. Even though it lacks sensationalism, it can be potentiated by plenty of good coverage in the news media.

I hope the new Administration has an ear to this conference, because there's no conflict anywhere else on earth that can hold a candle to what can erupt from the smoldering embers in our metropolitan areas, if the human needs reflected in jobs, finance, equal educational opportunity, housing, transportation, aren't recognized, and if attempts to meet them aren't made. There's no foreign crisis greater than our domestic crisis.

Racism in the schools mirrors the larger community. Community involvement tends to bring inter-group understanding. To this end, my suggestions are relative to drawing the schools and the community closer together.

If one doesn't have some personal involvement in his community or his schools, one doesn't really give a damn. And if school board members and administrators of schools haven't given the members of the community the opportunity to be personally involved, then those members and administrators don't give a damn about their public.

It's a sign of our time that one could take almost any position on the state of desegregation and find some data somewhere to support it. One can look around the country and find a lot to be bitter about, or at the very least, discouraged. But I don't think I need to recite that grocery list to this audience. If one looks at the long sweep of the modern history of providing equal educational opportunity, however, one can't help but recognize a few notes for optimism. If we could pull answers out of a Star Trek-like computer or mass-produce neat little products on an assembly line, with interchangeable parts for different parts of the country, we wouldn't need this conference. School systems would handle their local problems with no more trauma than they display with the packages and programmed learning products that they pick up at ASCD* conventions and AASA** conventions.

But we don't have that means for simplistic solutions. Nor do we have a predictable judiciary. Many local school boards wave with the fickle winds of public opinion, and their administrators are afraid of getting caught in the revolving door of executive succession. But our great urban school districts present the greatest chance for successful metropolitan desegregation, desegregation of any kind in our multi-cultural, multi-ethnic, multi-racial, pluralistic society. Mere physical desegregation can be very frustrating, however. It can't be done without, as Uvaldo Palomares says, "desegregating peoples' minds." Unless we have desegregated peoples' minds, we'll be able to walk into any school system and accumulate statistics to prove desegregation doesn't work.

In the last half dozen years, I've visited many communities which are in the throes of school desegregation. It's my personal and professional opinion that those which show the greatest promise for success display two distinct, important characteristics. First is the positive support of desegregation by those in positions of leadership. Second, is a high level of community involvement. Both tend to encourage schools of higher quality and effectiveness.

I see this at work in Dallas, Charlotte, Wilmington, Tucson, many others. So, first is leadership, second is process. My remarks are about process, and one particular process at that.

If the policy-makers, the courts, the legislators, the administration, fail us in the things of substance, like housing, employment, finance, transportation, equal educational opportunity through desegregation, maybe this process can bring about some results. Or if the policy-makers do act, maybe the process will help to make things of substance work.

I'd like first of all to recommend programs like those offered by Dr. Frank Rose and Dr. Braden of the Lamar Society, a nonprofit organization of creative individuals with intensive desegregation experience. The goal of this organization is to give advice to local school systems, to help them organize responsible people there who are starting out and solving their own local problems.

Now, there are individual consultants, like me, who operate out of a suitcase, or other organizations such as the Midwest Center for Equal Educational Opportunity, represented at this conference by Dr. Charles Rankin. Charles operates out of two suitcases.

Many people in education lack the desire and the skill to carry out participation processes.

---

*Association for Supervision and Curriculum Development.

**American Association of School Administrators.

Because of the local trauma accompanying desegregation, many administrators and school board members are reluctant to solicit or even accept help from outside consultants.

Furthermore, they're afraid to involve their own community leadership. As one board chairman said, "the law and the electorate gave the responsibility to us. Community groups erode our authority." An administrator said, "if we involve the community, they can have us flying off on tangents, so we can't get our work done." There are a lot of people who don't want to be involved, their song is "what did we elect those board members and hire those administrators for, anyway?" Besides, it does make it an awful lot easier to carp on the sidelines.

One of our challenges, before we can pass on the skills for implementation to local school systems, therefore, is to offer ways of making help acceptable, and then showing local school systems how community involvement will be beneficial to them.

There are many levels of community involvement. One way to begin is by giving information. One-way communication, telling people what it's all about. Another kind of one-way communication—listening, receiving information—is an even better beginning. A higher level of involvement is dialogue, a continuing, two-way communication, give and take, sharing, getting active participation from community groups in the school's affairs. More advanced and sophisticated modes would range from accepting and soliciting advice from community groups to structuring active participation in the decision-making processes where policies are made and executed.

That seems to scare local authorities more than anything else. Local school systems also need a lot of help in identifying and drawing out the many segments of their communities—the PTA and other parents, taxpayers, whether they are or are not parents, labor groups, chambers of commerce and other business persons, civic leaders, elected officials, ministers, priests and rabbis, private and parochial school authorities, police and public safety officials, state officers, news media, various minority groups, professional and other school staff, student groups, social and service clubs, ad infinitum.

Local school systems also need help in identifying problem areas, and the mix of people who can come through for them. Sometimes this means the creation of new and ad hoc groups for specific purposes, such as bus monitors, or task forces for student disturbances. Gifted persons in the community can work with the incessant demands of the media, so the school employees can continue with the prime tasks, without being pulled away to react to a distraction. They can help in the establishment of a rumor center, the development of a human relations program. Some of you may be familiar with the Triple-T Project Open, which served as a stimulus for community participation projects in places like Charlotte, Dallas, Baltimore, Seattle, Grand Rapids. A good example of vigorous community involvement is Dallas. I recommended that you get the 37-page report put out by the Dallas Chamber of Commerce dated January 21, 1977, entitled, "Keep It Together, Dallas." It's a preliminary analysis of the impact of the efforts of the Dallas business community to mobilize support for the development and implementation of the Dallas desegregation plan and process. It's a continuing partnership now between the schools and the community in Dallas.

The booklet serves as a good cookbook for those of you who want to try out some of those recipes on your own range, or oven, as the case may be. I'll read to you the seven-point program, which will give you some idea of the kinds of things they've dealt with.

First is getting started. The first spark. Somebody has to begin somewhere. In Dallas, it was the superintendent and the president of the Chamber of Commerce.

Second is gaining leadership agreements, that is, getting the leaders and executives of business and industries to make commitments, whether in terms of money or in some cases "tithing over" executives loaned for people to work with and for the schools for a specified period of time.

Third is planning, organizing and scheduling. The business community was very good at this. Many times school systems aren't.

Fourth was building public support and communication on goals and issues.

Fifth was assessing needs, examining facts and considering alternatives.

Sixth, deciding priorities. Seventh, solving problems, measuring progress, reporting and revising or recycling.

They engaged in such projects as the Adopt-A-School program, the development of a magnet school program, a work experience program, and the development and marketing of the bond election program. Remember, this is just one example of the kind of involvement that took place in the Dallas community. This was the involvement by the business community, and there was similar involvement by other segments of the community.

Charlotte-Mecklenburg exemplified many successful school-community practices. We had school committees throughout the consolidated city-county school system, involved in examination of the ramification of various pupil assignment plans, which laid issues, inequities and examples of instability out on the table for total community scrutiny. An amalgamation of many community groups, called the Citizens' Advisory Group, worked with the local school staff to recommend a joint pupil assignment plan which was accepted by the Board and also accepted later by the district judge.

The massive thrust, called the Year of the Community, brought new and sophisticated forms of community involvement, including a viable, mini-school board that served in the consulting and advisory relationship to each principal. It brought curriculum councils, which included people from all sides of the teacher's desk—teachers, administrators, auxilliary personnel, parents, board members, students—to spend time and thought on the curriculum. It brought a commitment to share school and city properties. They developed speakers' bureaus. They led toward the development of magnet schools, and brought us an army of 10,000 volunteers to assist in the schools.

I can't end this without saying, first of all, how indebted I am to Dr. Frank Rose and Dr. Braden of the University Associates, Inc., and the Lamar Society for their cooperation in providing a lot of information to me on the National Advisory Committee on Community Involvement in the public schools.

You can get information from them, and you can get a lot of help from them. If any of you have your hands on pursestrings, because it's a non-profit organization, I think they can use that kind, too.

I'm also grateful to Dr. Eugene Slaughter of Southeastern State University in Oklahoma, for the inspiration that was provided for many of us by the Triple-T Project Open. And, by the way, also to Dr. Charles Rankin from the University of Missouri, because he opened a lot of doors to me to get into school systems that I might not otherwise have been able to enter.

A good friend of mine, Charlotte Watkins, spoke at the Denver Conference (of the Education Commission of the States) on Desegregation in January. She began her speech by saying, "Where were you when we needed you?" Well, it's nice to attend a conference which is just a little ahead of the big trouble, rather than too late. I look around and I see a lot of the familiar faces—friends, people I know who attended most of these conferences. Sometimes, I get the feeling that we're talking to each other.

If we can get this thing out on the streets and in the communities, all over this country, wouldn't it be great if this conference could result in rational consideration of metropolitan desegregation all over this land?

SUZANNE POST:

One of the advantages of coming last is that you can pick up whatever slack there is. I don't think there's any slack at all, which is your very good fortune.

My name is Susy Post, and I'm from Louisville, Kentucky, and I think I'm here because of my involvement in the community desegregation plan as a white parent with five children in the public school system. As a parent I felt that segregated school systems of Louisville and Jefferson County were damaging my children, maybe not in the same quantitive and qualitative way that they were damaging to minority children, but damaging nevertheless.

My involvement stemmed from being president of an organization that was co-sponsor of the suit in Louisville and Jefferson County, which resulted in the merger, ultimately, of two county systems. Many of our resultant problems were merger problems, and not desegregation problems. We are now into our second year of desegregation. I should tell you how it's going, since that's the topic of this panel. It's going incredibly well. It's a matter of amazement to me that it's going at all, given the fact that our desegregation plan was implemented within six weeks of a court order, during a general election year in Kentucky, at a time when the mayor, the county judge, the Kentucky Congressman, the then-Vice President of the United States and the then-President of the United States, and the governor rallied, organized, petitioned and did everything to oppose it, given the spineless, gutless wonder syndrome that is inherent in elected officials most of the time and seems to rise whenever people feel that they are going to undergo radical social change—in six weeks, which is admittedly a little ridiculous.

We had in Louisville and Jefferson County the Klan, the American Nazi Party and the fringe and splinter groups of both groups. We had in Louisville and Jefferson County, for three years prior to implementation, two very strong, two very cohesive, indigenous anti-busing groups. Both groups are now represented on the Board of Education. Many of the leaders of those groups have been co-opted. The resistance in Louisville and Jefferson County to court-ordered desegregation was so palpable that sometimes you could go out on the street and pick it up in a bucket.

The resistance to court-ordered desegregation was so palpable, and the pain was so terrible, that we did not have one public official in that community who was willing to do as Mr. Jones did, stand up and say, this is simply a matter of social justice, the old values, equality, things like cultural diversity and so on and so forth.

Much of our problems stemmed from the reluctance of both Boards of Education prior to merger to admit that they were running illegally, unconstitutionally segregated school systems. To this day, they will not admit it. I guess if I feel anything, I feel that in a climate like that the miracle is the fact that on the first day of school in 1975, 92 percent of our school children attended school, that 116,000 children are in the school now. We've lost about 5,000. As in Tampa, there's really no place to fly in Jefferson County. Those kids are going to be back.

In the wake of that kind of unrest and the lack of leadership, school is going on. School is going on with black and white kids going to school together in admittedly very strained circumstances. Those circumstances are going to remain strained, I suspect, until we work through the next generational problem.

I think it's important for you to know that, given all of the dynamics that were operating in Jefferson County at the time, those of us who live there consider it something of a wonder that the situation has gone as well as it has. And it's got to get better.

The other thing is that there is still a lot to be done. The first major step is to create some kind of presence in all communities that are still segregated, in terms of their educational institutions. And the presence really needs to be, I think, a spinoff from the national presence. Policies are rapidly developing in every sphere right now. What we need desperately is to make desegregation in this country a national priority. Until it is articulated as a national priority, superintendents in places like Louisville, mayors in places like Louisville, and governors in places like Kentucky are going to continue to cater to the mob, and the mob is going to affect what happens to all of our kids in the school system.

We desperately need a strong national presense and a strong local presence. I'm not a demographer, a sociologist, an educator. A lot of what was said this morning sailed right over me. I did catch notions of bribing suburbs to be desegregated, providing incentives. It seems to me that one of the strongest incentives would be simply withholding federal funds, which we already supposedly on paper have the right to do, when communities are found to be in violation of the law.

It seems to me that doing that nationally will be the clearest statement from the top to do what we should be doing, anyway.

The problems that exist in Jefferson County and in the school systems are problems that any of you have had—metropolitan or non-metropolitan desegregation—and will be dealing with.

Finally, I think it's really important as a parent—and I would hope that educators would think that it would be important—that, when we define education, we do not define education within the context of whether our children are going to get into Harvard, Princeton, Yale, the University of Michigan, Cornell or whatever. That, to me, at least as a parent, does not represent education or even educational opportunity.

I think we've got to take a much broader view in terms of what kinds of people we're educating our kids to be. Perhaps I'm a little cavalier sometimes about the notion of academic excellence. I'm a lot less concerned about academic excellence than I am about people excellence. It seems to me that the real role of the schools is to turn out people who can relate to other people in a world which is not all white, which is certainly not all Anglo-Saxon, and which is changing every day.

That's what I want for my kids.

QUESTIONS:

JANE DILY, New Castle County, Delaware: Wilmington and New Castle County are undergoing a process of metropolitan desegregation. Would Mr. Bing give some examples of program redesigning that they did in order to meet the real needs of the students?

MR. BING: Yes. I have to deal with several generations of problems.

When we implemented the desegregation plan, we came up with a structure that locked students into a grade structure. Now we don't have a lottery or geographic-type zoning. We did it through grades, without closing any schools or any classrooms. We put certain grades in inner cities, like sixth grade centers, seventh grade centers, and eighth and ninth grade centers into the inner city. For example, the sixth grade center is made up of, say, six to eight hundred sixth graders. Moving from, say a K through sixth to a one-grade situation, we had to go back and look at achievement ranges among those students.

The range is wide when you've got that many students. We had to look at grouping patterns and the kind of grouping patterns that wouldn't result in segregation within an integrated setting. We had to look at curriculum to the point that we had to devise—or revise—curriculum to deal with this wide span of achievement.

As a result of six or seven years of desegregation, we're beginning to explore some possibilities in dealing with assessment tools. Generally most school districts assess educational needs of students with the same kind of tool all over the country, looking at test patterns to see where the deficits are and where the strengths are. But in an integrated setting, when you're trying to provide education in an integrated setting for a diverse group of people, there are a number of things that we do not have the sophistication or the know-how to do yet. And that is to determine the lifestyles, the learning styles, behavior patterns, what makes the students tick, their self-concepts, how they feel about themselves. We have no way of assessing this.

These are the many types of things that we would like to get involved in. Looking at the assessment tools. The longer we have been in the desegregation process, the more sophisticated the problems get. We've come to the conclusion that if we're ever going to meet the needs of students of this diverse population, we've got to come up with some new assessment tools that will deal with more than just the common academic needs of students.

MR. : My question is directed to Rolland Jones. I happen to have been in Denver, [a meeting of the Education Commission of the States—Ed.] Mr. Jones, and I was very impressed with the presentation of Dr. Flood and Craig Phillips [Asst. State Supt., and Supt. North Carolina Dept. of Public Instruction-Ed.] and Charlotte Watkins and that whole crew from Charlotte-Mecklenburg. Oddly enough, nowhere in the presentation did they say you'd lost your job.

My question relates back to something Dr. Wolf posed this morning. How can administrators provide that kind of positive supportive leadership and avoid being deposed? That's really a serious concern, and I'd like to know your feelings on it, or any other members of that panel.

MR. JONES: I don't believe I can give you the answer to that.

MR. : I didn't think you could, but I thought I'd pose it anyway.

MR. JONES: Sometimes I think that maybe the kind of administrator that school boards are looking for is a kind of eunuch. They want someone who can be neutral enough to be able to appeal to or pacify the many diverse philosophical attitudes in the community. And I've come to the conclusion that's impossible. I know when I started out as a superintendent with some background in counseling, I was well-oriented by Abraham Maslow and the philosophy of trust, and also believed at that time a superintendent could go into any school system, and be molded by his board and carry out their wishes, even though he didn't believe in them himself.

I now know that to be impossible. A school board-superintendent relationship is like a marriage. They have to be compatible. If I'm to be superintendent again anywhere, I want to be sure that I'm going to be compatible with that board, that they know how I stand on things, they know my belief system, and I know theirs. Maybe that's the answer to your question. The only problem is, with some of the school boards that I know, the poor community could be in real trouble if the superintendent had the same attitudes the school board members have.

MR. BING: I don't know if this is in answer to your question. In Tampa, we tried to get the board and the superintendent to do just one thing and then get out of it. This is to announce that they were going to obey the law. Once this was portrayed to the public, that they were going to do what was lawful, then it was left up to us to actually get things going. I think our district was one of the first large metropolitan districts that pioneered in community involvement, and the kind of group that I was able to put together was so powerful that the board had no choice but to go along with our recommendations.

And I think the involvement of staff along with this community group assured the superintendent and the board that we were going to do what was right and come out with a topnotch plan. I think once the superintendent and the board become too involved in trying to determine the destiny of a plan, it's pretty dangerous.

This is why community involvement is so great.

WALTER JONES: I'm from Los Angeles. Earlier, many of the presenters referred to the idea that desegregation of schools was to provide certain kinds of quantitative increases in either minority and majority children's achievement in schools.

However, one of the things that I find lacking in the presentations is the idea of qualitative kinds of improvement. For instance, the alienation between people in the country. If we are talking about developing young people for a better society, I think we need to begin to concentrate on that.

Now, one of the subjects that has constantly also been avoided is racism. I'd like to ask the panelists, in terms of the racism that pervades our educational system, our educational philosophy, what kinds of changes are required in this country's basic educational philosophy to develop the kind of young people who can resolve the problem of racism and alienation that exist within our society? If we continue to talk about the kind of band-aid approaches of realigning school districts, I don't think we are going to work with people. Because the people are the basis of our educational system.

DR. CROSS: I had hoped that some of my opening remarks addressed that. I strongly feel—and perhaps some of you agree—that it's not cultural differences, but the reaction to cultures that create the problems. I think the professionals need to look at what their responsibility is in desegregation.

For example, I think there is a responsibility to assess what is going on in the field, what information is being transmitted by teachers, their body language and their style, and what do they permit being said about students and communities.

I think when you look at racism, I feel that there has to be an admission that racism is a tradition. And admitting that, what does it mean, in terms of dealing with it, not in a cosmetic way but with real depth and quality? I would suggest we begin by looking at the reality of conflict, begin looking at why teachers and students are in conflict, because teachers walk into situations with ideas about students. These ideas not only come from education but they come from psychology, other areas in social science, as well as the media. We must confront the things that reinforce and perpetuate racism.

Second, each professional has to look at his or her role, to see if he's merely reacting rather than acting. Collecting information and acting are sometimes much more difficult and complicated than reacting.

MR. BING: I'd like to add to that. To me, desegregation itself has nothing to do with quality of education.

Desegregation has to do with equity and opportunity. Once you desegregate and get all the bodies under the roof, then you begin addressing yourself to quality. The problem was unequal educational opportunities. Desegregation is designed to bring about equality of opportunity. There's no guarantee that the student will learn anything. But the assumption is that you'll work on that.

I think when everything else is even, when the opportunity is equal, the tax dollar is equal, then you can improve on the quality.

When it comes to racism, my experiences have been that districts waste a lot of time trying to change attitudes—prejudices and bigotry—on the part of personnel. Especially when they pass 30, they're pretty well built in. Just like me, you know, you can't change my biases now. It's too late.

The only thing we can do—and I try to do for myself—is to develop techniques of living with our biases and prejudices. We got the board and the superintendent to pass a resolution stating that we didn't care whether a teacher belongs to the Ku Klux Klan or what he belongs to, what he does after work hours. But during the work day, he would be fair and impartial. Leave the racism at home, pick it up at 5:00 in the afternoon, and then do whatever he wants for the rest of the night with it.

MS. COKER: I'm B.B. Coker, Wilmington, Delaware. It always interests us when we come to these conferences that everybody says how well desegregation plans are going. And we can only assume that nine times out ten you mean that there are no fights on buses and no riots in the street and this kind of thing.

At least your cities are peaceful. So we can assume that this is what you mean by peaceful desegregation. And I was also a little disturbed to hear Mr. Bing say that they had to hide the reading score of the black children in Hillsborough County, so to speak, under the rug, when desegregation occurred. Having grown up in Duval County under legislated segregation, and having done fairly well in reading and writing and computation, it sort of bothers me that Hillsborough County no longer having legislated segregation hasn't improved children's reading scores. I only question where your teachers and your administrators—prior to desegregation in your Hillsborough school district—that's a sort of indictment against a predominantly black institution, in terms of our children being able to learn among our own children.

That's not a question. That's a comment. My only other question is—and this is for anyone—we are interested in any plans that may have been developed as an adjunct to your curriculum, in your support services, in human relations or any innovations in your course curricula that have been developed because you have desegregated.

Have you had experience with helping children to perhaps move out, graduate, go to college and decide than an integrated neighborhood is better than busing children.

DR. CLECKNER: I have some of what you need, I think. Just write to me: Metro Nashville School System, 2601 Bransford Avenue, Nashville, TN 37204. Tell me specifically what you're looking for, and I'll be glad to send it to you.

MR. BING: I want to react to the lady from Wilmington. I forgot to tell you that I'm a native of Tampa, and a product of the schools of Hillsborough County, and I was also principal—elementary, junior and senior high school—for 18 years. So I guess it's an indictment of me, too. The fact still remains that the performance of black kids on objective instruments indicated that they were far, far behind.

I guess the only thing I can say is, being a victim of the dual system and having experienced how it works, and then becoming an administrator, sitting around tables where budgets are developed, seeing who gets what slice of the pie and how big it is, I'm more convinced that we had it done to us. We came up on the short end of the stick, which had a bearing on those test scores.

I'm not saying just mixing students brings about all these academic gains. All of the peripheral things that go along with it have caused the improvement.

MRS. SCHMIDT: My name is Lorenza Schmidt, and I'm with the state board in California, and I have a question for Mr. Jones. Before that, I'd like to make a comment.

As I've heard people from the audience address substantive issues concerning the integrated learning experience—rather than just the desegregation effort—there is anxiety. With 48 short hours, where is the space to discuss the kinds of things that I think your panel has attempted to begin to discuss this afternoon.

My own comfort—small as it is—is that I get a shot at a panel tomorrow, so I get an opportunity to address some of that. But I understand it here very clearly that members in the audience are perhaps not having sufficient space in which to deal with some of these issues.

Mr. Jones, my question is a process one. In California, we have an educational philosophical statement that's called a reform—restructuring movement. It is primarily a process, a model, if you will. And it has to do more with curriculum and instructional local-site planned development than desegregation or integration as a specific goal in itself.

The basic core of that is the participation by students, parents, teachers, and nonteaching staff, administrators, in the development of local site plans.

Here's the problem. In attempting to do justice to and not interfere with a process model where local sites make substantive decisions, at times that ties hands at the state level. It becomes—to quote one of you—a new model of spineless, gutless wonder. So that at state level and perhaps federal level as well, people are making decisions or taking positions because they don't want to interfere with the local level decision-making.

My own position is that each has its own appropriate role. If the state level remains a vacuum, that is in fact a position, and it's one of non-support. But it's very difficult support for moving in the area of desegregation.

Could you talk a little bit about what you see as specific kinds of activities that are appropriate to a state role with the process model you've described?

MR. JONES: I think many of the things we're dealing with in the integration of the schools are state responsibilities. The sovereign state was left the responsibility of many aspects of the operation of the school system. And I'm afraid that the United States Supreme Court is beginning to say this more and more. The unfortunate part of that position is that this leaves many states with the option of copping out of their responsibility.

I would like to see a state department have—like that in North Carolina—a strong human resource department. Some of you, if you attended the meeting in Denver, remember the fantastic job which Dudley Flood and Gene Crosby did. I don't see that kind of a department duplicated in many of the states in the United States.

One of the early things that we recognized in Charlotte-Mecklenburg was the need for a human resources officer. We later were able to combine this with staff development and in-service into a department under a human resources officer and they established a teaching-learning center. The acronym TLC was on purpose, since the basic function was working with people.

Again, we didn't have to go any further than our state to find the leadership and the model. I think most school systems are going to avoid the responsibility unless there's strong leadership on the part of the state, which is the major policy maker. Local school systems are going to be reluctant to establish policy unless they have leadership from the state level.

I wish California great strength and conviction in exercising that kind of leadership.

DR. CROSS: I'd like to respond to that because I think I have an image of what's being addressed here. California can create the illusion that a lot of things are happening at the local level that may not be happening. Public policy suggests that there's a whole new redirection, throughout the state. Yet when you begin to assess and observe where people are, you may see something very different. We have to look at whether or not changes are just cosmetic or real.

MR. *:* I'd like to ask the same question of each panelist. I hope it doesn't end this in a downer.

Could you comment about the experience you've had since you went county-wide and desegregated, with local money issues? To the extent that you put bond issues or other support issues to the constituencies of your county, what sort of experience have you had, and what do you read from the experience?

DR. JONES: Fortunately, the city of Charlotte and the county of Mecklenburg were consolidated before the district judge's decision I suspect that if it had gone to the voters afterwards, they probably would have turned it down.

However, it did give the county an opportunity to get over the trauma of consolidation, before it faced the other kind. In many communities, of course, desegregation was not a trauma. Pupil assignment in Charlotte-Mecklenburg was. When I first went there in '72, I had a security radio in my car and I could flip a coin to go to at least a half dozen different places where a major riot was taking place. It took us about two years to reach the point where we no longer had any student riots and disturbances.

We did have a bond election, which was successful. It was for about 25 million dollars, and it passed by the voters in the city of Charlotte and the county of Mecklenburg by a pretty good margin. So consolidation or desegregation did not affect the attitudes of the voters in terms of voting monies for buildings. We don't go to the voters for tax referendums.

MR. BING: We've had one bond issue that passed with no problem, and we are now preparing another one to air condition some 30 to 40 schools. I don't know how the public will react to that one.

I would like to point out that we have had several elections for board members since our massive desegregation plan, and not once has the desegregation issue entered into those political campaigns. It has not been a factor in the election process of board members.

DR. CLECKNER: I think the most important thing I might comment on in relation to monies, locally, is that metropolitan Nashville school board is appointed by the mayor. The budget is passed on by the City Council. It is very political.

MS. POST: The closest thing we've had to what you're trying to get as is an effort to get a judicial article passed in a general state election. If there's anything that people are more apathetic about under normal circumstances than the school system, I guess it's the judicial system of a state. It was anticipated that that article, which would consolidate all the state courts, was going to fail two or three to one. It passed, two-to-one, with millions of dollars involved, and the bulk of that support came from Jefferson County.

[The directors of three exemplary plans for the voluntary transfer of students between cities and suburbs in metropolitan areas requested that a brief statement be appended to the record, since time did not permit their making a presentation from the floor. For further information about these programs, you may write to:

Norman N. Gross, Administrator
Urban-Suburban Interdistrict Transfer Program
2400 Oakview Drive
Rochester, New York 14617

William Paradis, Director
Project Concern
128 Westland Street
Hartford, Connecticut 06120

Jean McGuire, Executive Director
METCO, Inc.
Metropolitan Council for Educational Opportunity
55 Dimock Street
Boston, Massachusetts 02119

The statement follows: —Ed.]

DR. GROSS: The West Irondequoit Urban-Suburban Interdistrict Transfer Program (Project US) was probably the first metropolitan transfer program in the Nation. This conference provides an excellent opportunity for me to share our experience with you, and to focus on the problem faced by voluntary metropolitan efforts to reduce minority group isolation in our schools. Our program began in 1965 with the transfer of 25 Rochester minority group children to suburban West Irondequoit. The program was expanded to 800 children in other suburban districts.

I am optimistic that the program can expand significantly. The program has come full circle. The youngsters who entered the program in 1965 as 1st graders will be graduated this June.

Among these students are two National Merit Scholarship contenders—one semi-finalist and one finalist. It is appropriate that I read a statement made by Merit Scholar, Kirk Holmes.

His statement was made at his National Honor Society induction on January 24, 1977. His words summarize our program objective.

> "And now a personal reflection of my own that covers not only my four years of high school, but my entire twelve years of education in West Irondequoit. For as you might know, I am a participant in the Urban-Suburban Inter-District Program. And speaking in behalf of other Urban-Suburban students who have attained some measure of success, acknowledgement or recognition such as this occasion is very, very gratifying. For we have outlasted the many skeptics of the Urban-Suburban Program. They said we could not compete, *but we did*. They said we could not achieve, *but we did*. And we not only proved to ourselves that we could succeed as individuals, but we proved this one general rule to our blind American society: that people under the same pressures and in the same environment can compete equally. We proved it to all mankind. And to me that is the most memorable achievement of a lifetime."

Federal Policy

Examination of the realtionship of the federal government to the programs, Urban-Suburban, Project Concern, and METCO, demonstrates "benign neglect," at best. The Emergency School Aid Act (ESAA) has as its purpose three objectives:

1. Meeting the special needs incident to the elimination of minority group segregation,
2. Eliminating, reducing, or preventing minority group isolation,
3. Aiding school children in overcoming the educational disadvantages of minority group isolation.

Originally, these objectives were to be achieved by three types of program grants: 1. Basic Grants, 2. Pilot Project Grants, and 3. Metropolitan Area Projects.

Examination of the guidelines of eligibility reveals that the Basic and Pilot Grants favor the proposals of the large urban centers. In actuality, the programs funded by Basic Grants have focused their efforts at "overcoming the deprivation caused by minority group isolation" rather than the "prevention, reduction, or elimination of minority group isolation." To some critics, they appear to be "glorified compensatory education programs." These critics complain that Title I of the Elementary and Secondary Education Act (ESEA) already deals with this need. They charge that there has been an over-emphasis of the compensatory features of ESAA to the detriment of those programs seeking to emphasize reduction of minority group isolation. As an administrator of an ESAA program for four years, I must agree with the critics.

In the beginning, the Metropolitan Area Grants provided an equalizer for interdistrict transfer programs. Such programs were encouraged. Awards were made on program merit based on competition among similar programs. Despite some rather unrealistic guidelines which caused frustration, the interdistrict programs were able to function.

In 1975, Metropolitan Area Program Grants were eliminated. Interdistrict and metropolitan area programs were advised to submit proposals as basic grants. Interpretations of the guidelines virtually guaranteed the failure of such proposals. For example, an interdistrict effort like the West Irondequoit Urban-Suburban Program was allowed only to count minority group children in that small suburb rather than the minority group children in the city. After considerable delay and intervention, the quarrel was resolved and the program was allowed to count all minority group children.

In the basic competition, the interdistrict programs did not fare well. The compensatory programs of the large urban centers usually won. In any event the comparison of interdistrict programs with the urban programs could be likened to comparing apples and oranges.

Another major obstacle to metropolitan desegregation is the prohibition against the use of appropriated funds for the transportation of students or teachers in order to overcome racial imbalance or to carry out a plan of racial desegregation (Sec. 252-Education Amendments of 1974-P.L. 93-38).

When we inquired whether this transportation prohibition was meant to apply to voluntary programs, we were assured that this was, indeed, the intent. The original Senate version of the law would have exempted voluntary programs from this prohibition. The House of Representatives version made no such exemption, and, as the Conference Committee Report indicates, the Senate receded on this point. Thus it is clear that the Congress quite consciously made absolute the prohibition on use of Federal education funds for transportation to overcome racial imbalance.

The credibility of Congress in this action is certainly questionable. On one hand, legislation is passed to encourage the reduction, prevention, and elimination of minority group isolation. From the other side of its mouth, however, Congress says, "But we are going to make it impossible for you to do this." This action is somewhat hypocritical.

State Policy

While we can look askance at some Federal policies, we have fared even more poorly at the hands of the State of New York. Despite the fact that the problems of racial isolation are among the most perplexing in the nation, New York State has provided only token support for the program. The New York State Education Department's Division of Intercultural Relations in Education and the Bureau of Integration have never received more than $3 million dollars to cope with racial isolation in New York schools. This lack of commitment smacks of "benign neglect." Even more distressing is the fact that one of the first anti-busing laws in the nation was passed by New York State.

We are well aware of the efforts of State Education Commissioner Ewald Nyquist to deal with the problems of racial isolation in New York State. In fact there are those who feel that his dismissal as Commissioner was due to his efforts in this respect.

Proposed Solutions

There are a number of things which could be done at both the federal and state levels which could encourage the expansion of metropolitan programs significantly.

Federal

1. *Provide some stability to the existing programs—Project Concern (Connecticut), METCO (Massachusetts) and Urban-Suburban (New York).* The three programs have different approaches to the problem. Project Concern originates with a city (Hartford). Urban-Suburban represents a suburban initiative to reduce minority group isolation (West Irondequoit and a consortium of districts). METCO represents a Non-profit Organization effort. Each strategy has its advantages and disadvantages. The three programs merit preferential treatment by the government. This could be accomplished with discretionary funds available to the Assistant Secretary of Education for exemplary programs which make possible "substantial progress toward achieving the purposes of the Act (ESAA)."
2. *Reestablish Metropolitan Area Grants in ESAA.* The regulations should be reviewed and written to encourage the growth and expansion of metropolitan programs.
3. *Remove the prohibition on the use of funds for transportation for reducing minority group isolation.* Certainly this prohibition should be removed for voluntary programs.

State

State support should be made available regularly in a manner similar to the plans proposed by Wisconsin and Michigan. Participating districts should receive a nonresident per pupil allowance in the amount of that district's actual pupil cost for any nonresident student whose presence contributes to racial desegregation. Incentive funds should be made available for districts which are successful in improving student achievement. Funds should also be provided for the sending school districts to upgrade programs for children not transferred.

In summary, both the federal and state governments must make the problem of reducing minority group isolation in the schools a major priority. They must take the issue out of the political arena. Equal educational opportunity must become a reality. There must be the will to find the way.

Metropolitan Desegregation: New Directions For State and Local Policy: A Panel Presentation

ROBERT LYONS:

This afternoon's session is the wrap-up to two very, very successful days. This impressive gathering has sought to examine the state of the art of metropolitan desegregation, through discussion of socio-economic concerns and federal and judicial implications.

I could speculate whether consideration of state and local policy roles has been left to the last because of its importance or its insignificance. From my perspective as an employee of the Illinois Office of Education, I most assuredly espouse the former view. The obligations and authority at the state level for desegregation are constitutionally fixed, and cannot be abdicated to the judiciary, conceded to public sentiment or muddled by complex and overlapping metropolitan interests.

It's my wish that this afternoon, we would not argue whether there is to be a role for the state in metropolitan education, but that rather my estimable colleagues would help to define and clarify the implications of the role. We have heard much of the conditions of educational segregation in our cities and their causal relationships. I would hope that we can conclude this session with the discussion of new directions and solutions.

The Rev. Jesse Jackson, of Operation PUSH, has suggested that our cities look like a doughnut, with the suburbs constituting the dough and our inner cities the hole in the middle. I'm honored to introduce my fellow-panelists who I am confident can share some imaginative ideas on how we can bring some of the suburban dough into the hole. As such I delight in presenting to you Mrs. Lorenza Calvillo Schmidt, former high school and college teacher, now assistant dean of students at the University of California at Irvine. As a member of the California Board of Education, Mrs. Schmidt's perspective on the governance structure, on the policymaker's point of view, would be most helpful.

Following Ms. Schmidt, Dennis Conta, Secretary, Wisconsin Department of Revenue, is the author of the Wisconsin law that provides financial incentives for inter-district plans and requires counties with populations of 500,000 to organize inter-district planning councils. Mr. Conta's experience can provide insight into the legislative arena, and into the financial reforms necessary for the implementation of metropolitan plans. Joe Nyquist, Commissioner of Education the State of New York, needs very little that I can provide by way of introduction. His experience with the vast New York State education system has undoubtedly provided him with considerable insight into the need for developing consistent administrative policies and procedures in a metropolitan framework.

E. Richard Larson has been a national staff counsel for the American Civil Liberties Union since 1974. He has been involved in metro litigation in Louisville, Wilmington and Atlanta. He has undoubtedly a wealth of insight into the complexities of planning and implementation strategies.

Lastly, Dr. Boyd Bosma, human relations specialist for the NEA in Washington, brings a background of several years of experiences as a public school teacher to his current involvement with teacher rights and is well suited to discuss these concerns of metropolitanism that relate to equalization of salaries and professional agreements, to tenure and assignment and other teacher concerns.

LORENZA CALVILLO SCHMIDT:

At the end of the second day I've developed a sense of being a novice addressing this particular group of people. I think several speakers have made reference to the many years that so many of you have met around this particular issue, trying to deal with the evolution and continual growth of this particular task. At the beginnig of the conference there was a call for a philosopher. As I reviewed the thoughts that I would bring as a member of the State Board of Education in California, I have a suspicion, that I'm the philospher.

First, I'd like to make a little comment about the doughnut.

In Los Angeles, that doughnut has had a particular historical development. In the last 10-15 years, the educational bonds, the funding of bonds, the funding issues at election time were to build the new schools going out into the Valley, the white upper middle income communities. Then, as now, the minority population of the inner city voted extensively in support of those bonds. In the last two or three years, though, when the funding bonds and issues are to support education within the inner city, the outlying districts vote consistently to defeat them. The support is not there 10 years later, to provide the educational funds needed in the inner city.

Thomas Szacz wrote, "In the animal kingdom the rule is eat or be eaten; in the human kingdom, define or be defined." The struggle is one of definition—to introduce and have accepted *our* definitions of our needs and goals, and the systems to accomplish those goals. As I reviewed the topic for this panel discussion, new directions for state and local policy, I found myself seeking a balance between (A) a necessary emphasis and introduction of "old directions," that is, descriptions of existing problems; and (B) legitimately "different and new" perceptions and directions with which to respond to old, familiar, damnable problems.

My comments do not reflect markedly different and new perceptions. Rather, they reiterate positions I believe have demonstrated their validity and appropriateness. It is my hope that new directions will be increased efforts to carry out concepts that were present in our past and, I believe, belong in our future. These concepts include: (1) that existing systems which discriminate cruelly against children must cease; (2) practices that systematically guarantee the non-actualization of our human resources must cease; (3) that all children shall have equal educational opportunities; (4) that our educational experiences should prepare citizens to live effectively and positively in our pluralistic society and, toward this end, an integrated learning experience shall be pursued in our school systems; (5) that the learning process shall recognize the dignity of human beings, and (6) that the educational goal is excellence in academic and social achievement. To the list could be added numerous similar educational goals.

The task of new directions becomes, therefore, a task of ongoing change. A model is needed which realizes effective ongoing change. It is my belief that any model would require assertive, clear, determined leadership at each level of the process.

I will address, briefly, state and local policy leadership. The state and local levels *each* are distinct separate areas of responsibility. I state this seemingly obvious premise because often, in discussing appropriate roles, the discussion becomes one about what each level cannot do because it belongs in the perimeter or the realm of the other, rather than a discussion on what each level must do. I continuously hear what I cannot do as a state board member, because it is in the prerogative of the local levels, yet I get less enthusiastic citings of specific activities I can pursue as a state officer that are supportive and provide assistance. The task is, therefore, to vigorously pursue the evolution of appropriate and effective activities and roles to actualize quality integrated learning processes in public schools.

The courts have addressed the presence of existing educational activity that actively denies children an equal education opportunity. The solutions include both legal and educational responses. The courts have suggested that educational decisions should be made by educators. However, I hope it is clear that a failure to do so will result in court decisions about educational needs. The crisis growing in this situation is that educational communities are making educational decisions designed to meet minimum legal requirements rather than maximum educational needs. Much of the discussion around desegregation plans—at least those few that I've reviewed and have talked with educators in those systems about—reflect percentages, numbers, miles. Too little of the discussion develops the education need the plan should be designed to meet. One example of a conceptual abuse which I have heard districts articulate which concerns me greatly, is the following: plans are being designed to provide *an* integrated learning experience (that is, *one* integrated learning experience; it may be a learning center, it may be a trip, a shared something with a class from another district), rather than *the learning experience* of the child shall be *an integrated learning experience.* It is my hope that the courts intended that an integrated learning experience would be *the* learning experience, rather than merely just *one* learning experience.

Also, legally and morally, I believe at the state level as well as at the local level—we are responsible for maintaining systems that discriminate or that diminish and act against learners. Often people will argue that our role doesn't include actively seeking to change systems, because the issue for them is whether we were the initiators with deliberate intent to discriminate. The question of initiators, for me, becomes moot when the problem is a supported system which continues practices which deny to children equal educational opportunity.

The system of maintenance, whether through active or non-active decision-making, has resulted, at times, in a leadership vacuum. This situation must change. At the state and local level, pro active roles must be adopted.

Participation is a crucial factor in any model developed at a state or local level, each level participating in appropriate roles. The participatory model is one of ongoing change.

The local site, (and by local site I include the teachers, non-teaching staff, students and parents) determines appropriate programs and administrative support systems necessary for the implementation of said programs, that is, staff development, curriculum development, parent involvement, student participation, equally administered discipline codes, and so on.

The state level (either state department or state board), participates in developing systems to support local programs. Their responsibility is to provide affirmative leadership through systems which reinforce and support desegregation efforts at the local levels. This can include public announcements or programs indicating the support of integrated learning experiences, the development of a state level policy supporting desegregation, integrated learning experiences, development of technical assistance services to districts, making available funds for the implementation of plans, seeking appropriate legislation.

State and local leadership has frequently been reluctant leadership. For various reasons, political and philosophical, persons in leadership positions have sought to carry out the wishes of the community—the voter—and only minimally provide the leadership and direction. The crisis facing education today, however, I believe requires that individuals fulfill fully their responsibilities—parents, students, teachers, administrators, state officers—must fully carry out their roles in their appropriate spheres.

The problem to which I alluded yesterday in asking a question and that I want to reiterate this afternoon, is that process problem which has in the past and continues today to lead to a leadership vacuum. As the state role is developed, the perimeters of local decision-making are used to prevent, interfere, discourage, or at a very minimum, to limit decisions and hence leadership that the states can pursue.

We are partners and we must continue, each of us, to develop fully our appropriate roles. If I am defined as "enemy" because I seek a full role, including monitoring and assistance and seeking correction of non-compliance, then that is the decision of that local site because I have a state responsibility to carry out.

Each of us, as a member, a participating citizen in this society must address the problems which have brought us to this precipice. We are a pluralistic society. We have always been a pluralistic society. We have never been a single-culture, single language society. We have never all been blonde and blue-eyed. We have, for hundreds of years not utilized our human resources. Our present waste in natural resources like oil, water, air, represents, to me, a small fraction of the incredible waste of human resources. The doctors, the teachers, the leaders, the poets, the scientists, the inventors, the farmers, the athletes, the citizens we have lost through consciously conceived, deliberate educational systems built to strangle groups of people is appalling. Our society is in great need of citizens to help us solve severe crisis problems. And those citizens are in our children.

We know, as educators, the educational needs of this society, the needs for doctors, teachers, scientists, the need to have a populace not terrified and hating people different from themselves, solely on the basis of the difference. We know the educational needs of individuals: positive self-concepts, basic skills, development of bilingual skills, development of affective and cognitive skills. We know the needs of the educational community, a caring community, participatory involvement of all actors, a process of ongoing change and growth, assistance in a period of economic constraints.

Our task at state and local levels is an ending and a beginning:

- To end present existing systems which discriminate, which are racist, and diminish and destroy human resources, systems which presently are not effectively teaching children;
- To begin learning systems which prepare citizens for a pluralistic world, to pursue quality integrated learning experiences which strive for excellence in both academic and social achievement.

Two additional items: first, a comment on funding models. We need to develop models that provide technical assistance to districts on how to utilize existing funds as well as supplementary funds. The model of supplementary funds is old. It has been reinforced, by the Federal government during the war on poverty years. But districts do not effectively utilize the regular funds, and we need to provide some assistance on how to do that as well as continue to seek the supplementary funds which are so necessary for the continued growth of the quality of our schools.

A second item has to do with other minorities. Bilingual programs can be negatively affected, again, by a deliberate process of definition. Some groups define a system that will work against bilingual children. Bilingual programs have historically been defined as remedial and directly related to special need target populations. Therefore, disperse that target population, those children, and the program dies. Bilingual education as an instructional model is hundreds of years old and much valued in other countries. In this country you are not okay, you are a dummy, you are limited. In California we call them Limited English-Speaking (LES). And we will make you okay, by using bilingual instruction to make you English speaking only.

At the state level I have pursued a different definition of bilingual instruction. It is a legitimate instructional system; it is a valuable employable skill to have bilingual capabilities. It is a model which should be available to all children, those with bilingual skills and monolingual skills. It should exist for all bilingual children. It should receive support for its continuation and evolution. It will contribute greatly toward the development of capable citizens for a pluralistic society.

Desegregation plans must not be allowed to be designed in such a way as to eliminate bilingual education and deny equal educational opportunity to bilingual children. Yet the present Los Angeles plan submitted by the Board does act against bilingual programs. Consequently, the Chicano community in Los Angeles in the barrios have some very strong resistance, and so you get a community group that is actively opposing a desegregation plan, on a programmatic issue. Other minorities, bilingual communities, will be placed in the position of fighting desegregation plans. Through definition, the groups fight each other. Let me re-emphasize a few points of the conference. State and federal leadership should be aggressive and explicit to avoid a leadership vacuum. Racism continues to be a problem that desegregated and integrated systems attempt to address—to defuse, to stop, through court activity, through educational plans, through administrative systems, all of these—to stop systems that are racist, that are hurting children, and that are not effective teaching systems.

If *Brown* v. *Board of Education* sought to eliminate discrimination solely on the basis of race and dual systems which treated Black children as inferior, then I'm uncomfortable that we are doing it wrong, when our plan discriminates solely on the basis of race, that is, this percentage of Black children go here and this percentage of Brown children go there. Or these children go into these empty seats, placed in classes solely on the basis of race.

The plan components clearly imply to Black and Brown children that they are inferior, so white children cannot go into the inner city schools. Minority children have to go out at least to the edge. It becomes for me irrelevant whether you hate them and say they're inferior or whether you love them and then say they're inferior and that you're going to make them okay.

We must prevent desegregation goals from being defined as racist goals. Local decision making and state leadership must be supportive systems, interrelated and enhanced by each other, rather than competing and limited. Educational goals need to be clearly determined. Several of our speakers addressed that today. I think Mr. Minter, most eloquently, this morning. The needs of other minorities, all children, must be enhanced by integrated educational goals. New funding models must be identified to assist in better utilization of all funds, to effect better allocation of supplemental and new funds. By that I mean that these policies would then be reflected in the way in which supplementary funds are allocated.

Cooperation among societal and governmental units must be pursued. The goals, then, are better local and state roles, clearly defined.

New definitions of society, of educational goals, new and more effective funding models. And, ultimately—and I hope soon—an end to racism. This will be the new generation, these children. Hopefully they will be more effective citizens of a pluralistic society.

DENNIS CONTA:

That was not only informative but thoroughly inspiring, and I'm glad I was here to hear your comments, Lorenza. I'm going to talk about a plan that was passed by the Wisconsin Legislature in 1975, which deals with tangible and concrete efforts to encourage and improve racial balance inside of metropolitan areas. Those who tend to view this plan with disfavor refer to it as the cash and greed approach to problem solving. Those who view it with more hope and support see it as a form of fiscal incentive, or educational inducement. In any event, what I'm going to describe to you is an effort of the Wisconsin Legislature to encourage racial integration inside of metropolitan areas, through the use of increased school aids.

In April of 1976, the Governor of Wisconsin signed into law Assembly Bill 1040 and created what is now being called Chapter 220, Laws of 1975. Generally described as landmark legislation, the law represents perhaps one of the first major efforts of a state government to minimize and confront the problem of racial segregation by developing a unique system of fiscal incentives and increased school aids.

Two background points may be helpful. First, in 1970, the city of Milwaukee system was about 70% caucasian and 30% minority. By 1974-75, when the Legislature was preparing to initiate the '75-'77 session, that system was about 60% white and 40% minority. It was clear that each year the system would become more segregated. Meanwhile, the 17 suburbs that surround the city of Milwaukee—the bread, if you will, around the hole—were composed of 17 suburban school districts with a minority population of about 1.7 percent.

The second point I should raise has to do with the manner in which Wisconsin distributes its school aids. In order to equalize support for each child, and yet promote efficiency and productivity, the State of Wisconsin distributes school aids based on a district's wealth and expenditure policies.

Specifically the elementary and secondary aid formula reflects three factors that must be kept in mind in order to understand the inducement scheme. Elementary aids are advanced based on a school district's enrollments, its cost, and its property valuation or wealth. If other factors are held constant, the amount of state aids to a district varies: (1) as property value increases or as a district is wealthier relative to other districts, (2) as enrollments decline, and (3) when costs increase beyond a state-imposed ceiling, 110% of a state-wide average per pupil.

Beginning in 1975, when the Legislature convened, one or more of these factors was contributing to a loss in state aids for many school districts in Milwaukee County. A similar occurrence I suspect is not uncommon in many municipal and suburban areas. Or the state was at least providing increased aids at a decreasing rate to suburban school districts. That trend, especially accelerated by declining enrollments which would surely continue throughout the '70s and into the next decade, was likely to become much worse.

School district administrators, teachers, and some parents understood that, and more importantly, they understood the consequences of it. When the 1975 session of the Legislature adjourned, Milwaukee County, therefore, was (A) a very heavily segregated school system which was becoming more segregated each year; (B) composed of school districts that were losing state aids, and (C) most significantly, school boards were required to rely more each year on the property tax as a source of funding for school programs.

In the face of these developments and pressures, a small group of Wisconsin legislators began to prepare a proposal which combined the use of fiscal incentives with the design of a new city-suburban metropolitan school district in Milwaukee County. Drafted as Assembly Bill 572, the Legislature directed the initial establishment of one city-suburban school district in Milwaukee County. If the new district had performed effectively, and if that district spent efficiently, it was then believed and argued, its experience could have been used to guide the support of additional metropolitan school districts in Milwaukee County, or serve as the legislative underpinning for the development of a single metropolitan school district. This is a concept that Belden Paulson, a friend and colleague of mine who is here from the University of Wisconsin-Milwaukee, has advanced inside of our community.

The development and the defeat of that legislation really requires separate analysis, more analysis and time than we have at the moment here today. Suffice it to say that it generated more scorn, wrath, and hue and cry tha[illegible] perhaps any bill has generated in decades in the Wisconsin legislature. What the *Milwaukee Journal* at that time called, "gasps of suburban shock," were clearly felt throughout the state. What the bill did, however, was introduce a concept in the Wisconsin legislature, establish dialogue, and drive discussion toward a compromise. So what is important is that six months after Assembly Bill 572 was tabled, consensus was reached on a new Bill, Assembly Bill 1040, and within a matter of two months the bill was passed by a large margin in both houses of the legislature. It was signed by the governor in April of 1976, and incorporated into Wisconsin's statutes as Chapter 220.

Briefly, the chapter states that the State of Wisconsin hereby declares that it is the announced policy of the state to facilitate the transfer of students between schools and between school districts to promote cultural and racial integration. (I'm amused to tell you that each word in this was debated and analyzed and subjected to scrutiny in months of negotiation.) Where students and their parents desire such transfer, and where schools and school districts determine that said transfers serve education interests, the state further declares that it is the proper state expense—that's what I was concerned about—to encourage such transfers through the provisions of special aids.

Wisconsin's new law is heavily shaped by the assumption that many school districts will react favorably to policy opportunities which maximize educational and economic concerns, while reassuring local control over cherished values. Although opposing the initial plan which called for metropolitan integration, many public officials believed that school districts would voluntarily integrate their classrooms, if they could stabilize and perhaps increase the state share of school aids, which, as I mentioned to you, were decreasing for a number of reasons.

Districts would secure some reasonable control over the selection of minority group enrollments, and minimize the likelihood (another important intervening variable,) that court orders would force boards to integrate and deprive school children and parents of essential freedoms.

Let me speak about the components of the new law. First of all, planning councils constitute one interesting instrument that is now being activated. Only transfers which improve racial balance—that is to say transfers of minority students from a segregated to a non-segregated school—are eligible for increased state aid. (A school with minority population of 30% or more is defined as a segregated school.) In order to encourage transfers and maximize cooperative arrangements between city and suburban school districts, each suburban school district in Milwaukee is now required by law to establish a planning council with the city of Milwaukee. The law requires that a planning council be formed between the city of Milwaukee school district and each of the 17 school districts in Milwaukee County. There's no choice about that; the planning council must be established. Each of the 17 planning councils, consisting of five members from each district, must include the district administrator, or the designee in the case of the city of Milwaukee, three school board members, and one other district resident. Much negotiation, I can assure you, also centered around the make-up of those planning councils.

Each council must annually discuss and recommend transfer programs to improve racial balance and submit any recommendations to the city of Milwaukee school board and each of the Milwaukee County suburban school boards. Within 90 days after receiving the recommendations, each school board must determine the extent to which its district will participate and, after making this determination, disseminate information about the nature and the availability of cooperative programs to all pupils and parents in the school districts.

Children and parents who agree to participate in the transfer program are processed by the board, and if they are accepted, both the receiving and the sending school districts are authorized to participate in the program. Transfers—whether intra- or inter-district transfers—are considered only when written application is made by parent or other legal guardian, et cetera.

It should be stressed that planning councils are required by the law to meet and discuss transfer possibilities, but are not required to design and submit transfer recommendations. So, what *we* secured, in other words, was an agreement that negotiations would take place. What *they* secured was an agreement that those negotiations need not produce specific recommendations. If they do submit transfer plans, school boards may accept, reject or modify the recommendations.

Under these statutory conditions, transfer plans can only be implemented when both school boards agree with the content of a plan and contract for implementation. These safeguards were pursued during negotiations by suburban school districts and advanced as a final legislative agreement. At the same time, mandatory participation in the planning process was highly valued by those who favored a metropolitan approach and represented their negotiated condition.

The second part of the law deals with the fiscal incentives. For those students eligible and accepted for inter-district transfers—transfers between school districts—the receiving district will be aided by the state at a *full per pupil cost.* That's a very significant aid, as I will point out to you in a moment. Moreover, if five percent of a receiving suburban district's total enrollment consists of inter-district transfers, its incentives will be increased by an additional 20 percent.

Furthermore, to encourage optimal participation and minimize the offsetting problem produced by declining enrollments, a problem which was of great concern to the city of Milwaukee, sending districts may count transferred students for general aid purposes, even though such students are no longer enrolled in a district system.

Students eligible and authorized under the provisions of the law for intra-district transfers, transfers inside of the city of Milwaukee, in other words, are weighted at 1.2 in the computation of general aids or activate 20% more aid than a student who does not transfer and whose presence in the system does not contribute to racial balance.

In addition, the total cost of transportation of both types of transfers is assumed by the state. Since all other transportation aids in Wisconsin are funded at approximately 53%, of full cost, you get some idea of how these chapter 220 transportation aids act as a further inducement.

In addition to the weighted aids in the transportation subsidies, the law makes provision for the release of supplemental aids at the discretion of the Department of Public Instruction. This special assistance can be extended to school districts claiming that 220 aids are not sufficient to fully cover all expenditures.

Let me summarize what the results of this program have been. Under the intra-district provisions of the law, 10,250 students have transferred in the city of Milwaukee, and have generated 3.9 million dollars in additional aid and 2.5 million dollars in transportation subsidies. An intra-district transfer student generates $370.00 more in aid for the city, if that student promotes racial balance, than the student who does not promote racial balance.

Suburban districts have received about $900,000.00 in aids and have transferred 32 white students into the city of Milwaukee. The city of Milwaukee, in turn, has transferred 320 minority students in the suburban areas, and it is quite likely that there will be about 1,000 minority students transferred into suburban school districts in the 1977-78 school year.

The amount of aid received by those suburban school districts is considerable. One illustration: the Shorewood suburban school districts receives $90.00 in state aids, and has $2,100.00 in per pupil cost. So, for a suburban student the state provides $90.00, for a transfer student they provide $2,100.00 or $2,000 more or 2,000 percent in state aids for a transferred minority student than a resident white student.

That summarizes and explains the nature of the plan in Wisconsin. Because very little time was provided for planning and implementation—only three months—the '76-'77 school year, it seems to me, does not serve as a sufficient bench-mark. In 1977-78, however, when this program is subjected to more critical scrutiny, we will understand much more about the effectiveness of this effort to achieve greater racial balance inside of a metropolitan area.

EWALD B. NYQUIST:

I am most appreciative of the overly generous introduction, especially in view of what happened the last time I addressed a national conference in Washington, D.C. The presiding officer innocently concluded his remarks about me by telling the audience: "And now we will hear the latest dope from New York State."

I think the NIE authorities, in their letter of invitation, said they wanted me to be here because I was the only chief state school officer they could think of who could speak more clearly than he thinks, who could live verbally beyond his intellectual means, and who had delusions of adequacy that he could meet every issue with an open mouth.

I take such dubious flattery with a migraine of salt.

Whenever I appear on the Federal scene, I am always tempted in the direction of levity. I am sure you all aware of the Federal legislation which provides for equal employment rights for women. The government recently sent a questionnaire to one school district saying: "Please list all your top administrative staff, broken down by sex." Back went this reply: "Sex is not our problem. Alcoholism is."

This somehow reminds me of the Congressman who was asked, in the wake of the Washington sex scandals, what he thought of sex at 55. Said the Congressman: "God, if it's that urgent, I think you ought to pull off the highway."

It's time for me to be serious.

First, for a couple of minutes, I want to summarize my views on racial integration.

It is a visceral claim with me, a gut assumption, or, if you will, more euphemistically, a deep-seated conviction, that a fundamental responsibility of government is consciously to maintain from generation to generation a free, open and just society. Surely, one meaning of this responsibility is to see that equal educational opportunities are extended to all the people. And yet, to lift a sad corner of the truth, the fact is that the United States has developed a system of mass education without yet achieving the goal of full educational equality. A universal system of education is ultimately tested at its margins, where the minority groups are, the poor, racial minorities, the handicapped.

Equality of educational opportunity has too long been denied to large numbers of boys and girls and of men and women—white as well as black and other minority group students—because of racially segregated schools and still a lack of appropriate practices and provisions in colleges and universities as well. Neither the nation nor any state should tolerate such inequity. Nor can they afford such a waste of human resources.

In my opinion, improved educational quality and the achievement of integration are synonymous terms. Each fosters the other. Both are absolutely essential if we are to build a better society.

We have no better guide on this all-important point than John Dewey. Said Dewey in 1899:

> What the best and wisest parent wants for his own child, that must the community want for all its children. Any other ideal for our schools is narrow and unlovely; acted upon, it will destroy democracy.

Nearly eight decades later, however, America has yet to achieve true racial integration of its schools and colleges. Nor, for that matter, do we as a people seem to understand fully that integration has value for all children, white as well as black. Integration must be a symmetrical dialogue and social engagement.

I especially like something that was said along these lines a few years ago by John Fischer, former President of Teachers College, Columbia University. It goes like this:

> If a responsible estimate were to suggest that the wave of the future is toward a greater separation of races, nations and cultures, it might make sense to teach children to live segregated lives. The facts and the trends, of course, suggest the exact opposite. To advocate segregation now or by indirection to retard integration is to deny children not only access to equality but access to truth.

Separatism leads to ignorance of others, and ignorance breeds fear and prejudice. Integration, on the other hand, helps to form a more cohesive community by heightening our awareness of justice, which is, after all, the foundation of all moral authority.

There is a difference between desegregation and integration that goes to the heart of my thesis. Desegregation is an administrative process of eliminating the high concentration of minority group members in a few schools. It may not even be an issue in some places. But integration is an educational issue everywhere. It involves the attitudes and behavior of people of all kinds.

Let me explain what I mean by telling you how I define quality integrated education.

It is an education in which children learn that they live in a multiracial society, in a multiracial world, a world which is largely non-white, non-democratic, and non-Christian, a world in which no race can choose to live apart, or be quarantined and compelled to live apart. It is one that teaches students to judge individuals for what they are, rather than what group they belong to. From this viewpoint, children learn that differences among people are a source of richness and value, not a thing to be feared and denied.

These things can be taught in every classroom, even where all children are of the same color, class, and creed. Integration is not brought about solely by mixing children who are different from one another. The root of the problem lies deep in the prejudiced attitudes of the white majority. How many white Americans today can say for sure that deep, hidden racist attitudes may not come to the surface in moments of tension or frustration? Is it not also a reflection on our condition that so few whites know yet how to be fully at ease with persons of another race? This is a burden we have borne too long. And it is one that we should lift from the lives of our children.

One thing I would like to see happen is for every school, whether in a city, suburb, or rural area, to offer courses in the culture of poverty, intercultural relations, and community organization. Such courses would go a long way toward preventing the kind of cultural shock that all too often occurs later when people are suddenly thrust into new and unfamiliar situations for which they have had no preparation.

With this brief, general background, let me turn now to some specific situations we face or have faced in New York State, including metropolitan desegregation efforts, with particular reference to what the hurdles are and how we have tried to overcome them.

You should know at the outset that the percentage of elementary and secondary school students from minority groups is growing steadily in New York. The statewide proportion of black and Hispanic students now totals 27.2 percent. In our five largest cities, the minority group proportion stands at 62.6 percent. Unfortunately, all too many of these children are attending schools where racial and ethnic isolation is on the rise, not going down. So we have, as Robert Frost put it, miles to go and promises to keep.

In the last decade in particular, James Allen, who was my predecessor, and I have sought to lead, not just follow out front, by using the quasi-judicial powers vested in the State Education Commissioner, together with a professional staff, to correct racial imbalance in all instances in which local school districts have not moved ahead as adequately or as rapidly as they should have. Some districts have exhibited all the intransigence of mules, and authorities in them have totally abdicated the moral leadership that was sorely needed. A few have moved positively and voluntarily without compulsion, with some help from the Department.

The Commissioner's quasi-judicial power has been embodied in state law ever since 1822, and it has resulted in the resolution of thousands of educational disputes, about 11,000, without recourse to the courts (although Commissioner's decisions sometimes do end up in the courts subsequently). Matters that are adjudicated in this way relate to all aspects of education, such as student dress and grooming, the firing of school administrators without due process, church-state issues, and so forth. It is an appellate proceeding, cheap, quick, and presumably brings educational expertise to bear in educational conflicts.

My predecessor made what turned out to be a landmark decision in the early 1960's by ordering a school district on Long Island, Malverne, to desegregate. This was the first ordered in the North, I believe. His right to do so under the Commissioner's quasi-judicial power was challenged in an appeal, but was eventually upheld by the United States Supreme Court. A desegregation plan developed by the staff under his guidance was then put into effect in the district.

Not so parenthetically, this was a period in which the position of the Board of Regents was absolutely unequivocal, as you can see from a Board statement on racial integration that was issued in the 1960's. Quoting one short section of the statement:

> The Regents and all others in positions of educational leadership cannot be satisfied to wait for other social, business, and political forces to remedy social ills including integration but must take the initiative in overcoming the ignorance which is at the root of these ills. If we do not, we fail in our most essential duty.

I am sorry to say, however, that this liberal sense of urgency and firm resolve has not fully survived in a series of three revisions that a divided Board of Regents made in 1974 and 1975 in their original policy and which substantially restricts remedies and complicates procedures. This is not the appropriate place or time to go into detail. But it is no secret that I have had differences of opinion with some Regents on this subject. Nevertheless, the final January 1975 statement on racial integration is still a viable policy I can live with.

The Regents' change of mind followed a changing society, one less liberal, more conservative—hence a more conservative legislature, and in turn, more conservative Regents, who are elected by the legislature. One must remember, also, the Nixon-Ford pronouncements on busing—these had wide influence. Blacks, too, became alienated, disenchanted with the unexpectedly slow progress of achieving equality after the promise of the *Brown* decision and subsequent civil rights legislation. Finally, the accompaniment of busing with stormy protests and violence lessened the drive toward racial integration in the schools.

At any rate, I will now describe where our efforts in New York State have been focused, what the strategies have been, and what the outcomes were or what the present status is. In doing so, I will focus on seven examples only, relating to metropolitan desegregation or multi-district integration which I hope will lie within your orbit of interest, or, at least, will not fall within your zone of indifference. Parenthetically, I have been involved with many other districts where the issue has been integration within a single district.

1. *Wyandanch*

The Wyandanch school district on Long Island is almost entirely black, and is surrounded by almost all-white suburban districts. An attempt was made in the late 1960's to achieve racial balance among students there by dissolving the district and annexing its parts to neighboring districts. Parents who supported this attempt brought a legal appeal to the Commissioner, my predecessor. But he found that, desirable as the requested action was, existing State law made no provision for it. He therefore ordered other forms of corrective action, including voluntary exchanges of pupils, and had legislation prepared to authorize the dissolution of such districts. A bill was introduced in the State Legislature in 1969 and reintroduced in the next five sessions without ever reaching the floor of either house. There were no takers.

2. *Roosevelt*

Roosevelt is another school district on Long Island having almost all black students. It is also a district with severe financial problems. A move developed to dissolve the district. In this case, the black community opposed and opposes dissolution of the district, even if it were legal, for fear that annexation to other districts would result in their losing authority over the education of their children. Moreover, some adjacent districts have growing numbers of minority group students anyway, meaning there is little chance of bringing about a satisfactory racial mix. Another problem that has to be taken into account is that the Roosevelt district is bordered on one side by a major highway, the Southern State Parkway, which could not be used for transporting students since school buses cannot use the highway. To complicate matters, Roosevelt is unable to qualify for special funding that is available to districts that are preparing for integration or are in the process of integrating because, all said and done, no one can figure out how to desegregate the district at this time.

3. *New York City*

Various appeals have been brought to me to achieve school desegregation in New York City at one time or another. The case that has received the most conspicuous public attention has to do with Andrew Jackson High School in the Borough of Queens, where the percentage of white students in high school, boroughwide, has declined steeply since 1966, compared with students who are black or Hispanic. I issued a preliminary order designed to check this trend toward separatism by requiring the New York City Board of Education to submit to me a plan which would have the effect of making sure that the racial composition of the Andrew Jackson High School "reflects the pupil population of the Borough of Queens, without necessarily being proportionate to it." The Board of Education subsequently submitted more up-to-date statistical and demographic projections for the purpose of showing that any substantial reassignment of students to or from Andrew Jackson High School in order to bring about greater racial integration would actually be counterproductive and would adversely affect racial integration in other borough high schools. (The Board of Education has also suggested cross-district busing into Long Island districts, which immediately raised hell, I can tell you. Some believe it was a deliberately planned red herring to arouse sentiments against further integration). The new information compelled me to conclude that any significant revision of attendance zones or reassignment of students would, in fact, lead to that outcome. I made a mistake in the original decision when we focused, as the grievance did, on one high school, instead of on the district as a whole. I therefore revised my original order and called for various other strategies, among them developing cooperative ventures between Andrew Jackson High School and other high schools having larger white populations, as a way of providing interracial education experiences for students of all races. Final resolution of the matter is still pending, because the case has now been taken to a federal court.

4. *Rochester*

The Rochester district became more than 50 percent minority within the past year. At one time, a plan which would have totally desegregated the school district was adopted by the Board of Education. When a new Board of Education was elected, however, it revoked approval of the plan, including even the portion of the plan which had been implemented and operating successfully. An appeal was brought in federal court, where the plaintiffs lost.

It should be noted, however, that from the beginning there has been a voluntary urban-suburban transfer program in operation in Monroe County, where Rochester is located, involving minority group children from inner-city Rochester and a half-dozen suburban districts. Over 800 children are participating, and some of the earlier participants are graduating from high school for the first time this year. At one time we had $3,000,000 in State funds to commit in correcting racial imbalance but this helpful resource was discontinued as the Legislature became more conservative.

5. *Great Neck*

A plan was developed under which Great Neck, Long Island, one of the most affluent districts of New York, was going to accept some children from the New York City school system. A similar program for Scarsdale was also envisioned. In both cases, there was so much hostility among community members that plans for implementation were dropped. The affair triggered the dismissal of the Superintendent of Schools.

6. *Buffalo*

The situation in Buffalo has been before the Commissioner since 1964. In 1972, just before I could issue my own decision on integration, the State Education Department, the City School District, some of the Regents, the Buffalo Common Council and I were sued in federal court. A portion of the plan submitted by Buffalo to me was accepted by me and by the federal judge and implemented. The judge has not moved forward with the implementation of the remainder of the plan (the Department, Buffalo and the plaintiffs have differing plans) primarily because of a recent United States Supreme Court decision which remanded back to a lower court the Austin, Texas case in which the high court took the position that intent or purpose to segregate had not been proven. Part of the judge's preliminary order directed me to negotiate with about two-dozen-plus school districts in order to accomplish metropolitan desegregation. There were no eventual takers.

7. *Williamsville*

Williamsville, a suburban district outside Buffalo, at one time was going to accept 100 minority children from Buffalo to add to its population of 11,000 children. There was such a furor in the community that two Williamsville board members resigned because of harassment by opponents of the plan; the Superintendent retired shortly thereafter, and the plan was dropped.

As you can see from some of these examples, I am all for metropolitan desegregation, and it is probably the only solution for certain suburban districts and large cities. But I do not have the power as State Education Commissioner to order it, and New York State will not, for the foreseeable future, remove the legal barriers to accomplish it.

However, it is my hope that the Federal government and courts, now that the Nixon-Ford era is over, will move in the right direction, by which I mean in the direction proposed in the fine statement that was made just recently by the U.S. Commission on Civil Rights. As far as I am concerned, Commission Chairman Arthur Flemming was right on target when he said that "metropolitan school desegregation is a must if today's children are to be given equal educational opportunities."

As far as I am concerned, I see little hope for the several states to accomplish metropolitan desegregation. There are certain requirements if states are to move:

1. A legislated state policy or an authoritative State Board of Education policy;
2. Technical assistance from the state (or elsewhere);
3. Money as incentives or assistance;
4. Community involvement;
5. Removal of legal barriers or impediments;
6. Guts.

One way or the other, though, we have got to keep the march to equality not only from being turned around, but even from marking time.

I am sure this conference will go a long way toward advancing the noble goals of educational equity and social justice, and I am proud to be associated with you.

E. RICHARD LARSON:

My name is Richard Larson, I'm from the American Civil Liberties Union. I normally see desegregation from the litigation perspective and I don't, as many of us here don't see local or state options being taken very frequently. However, some options have been taken, and my remarks with regard to new directions are going to be in four primary areas. None of them are necessarily new directions. Most of them are old directions with some new variations.

All of them can be used very well to bring about metropolitan desegregation, but, as I say, most of it just doesn't happen. One is the approach of metropolitan or federated schools, through a metropolitan government approach. A second is metropolitan or consolidation of local school districts. A third is metropolitan or local school transfers, similar to the type that Mr. Conta was talking about. Fourth is the use of the metropolitan and local shared services, educational approaches for the use of metropolitan students transfer itself.

In this context I'm not going to be talking about the situation described by some of the speakers that you heard yesterday afternoon, where there is metropolitan desegregation because of the form of the local government. For example, in Florida, the educational unit is the county.

Where Tampa is located, for example, that's Hillsborough County. Tampa is smack in the middle of the county. Another tool that you can use is annexation, where the school district is the size of the city. Memphis, for example has a policy of annexing any development outside of the city. When it annexes the school district, the city grows, too. There is a lot of development outside of Memphis. It continues to grow.

In these four approaches, the first, the metro or federated school approach, is really an outgrowth of the metropolitan government movement which has been proceeding in our country for at least the last couple of decades. There are some very good examples. The Minneapolis Metropolitan Council is probably one of the most outstanding examples which has tax sharing built into it, as well as just planning aspects. Unigov in Indianapolis is a recent example. The Atlanta Regional Commission is a 15 county planning commission. These commissions, of course, generally are engaged in land use planning and not necessarily education. Indeed, most of them are not. But this, of course, was not always the case. The predecessor of the Atlanta Regional Commission, the Metropolitan Planning Commission in Atlanta, in the late '40's and early '50's, engaged in educational planning. But then in 1954 we had *Brown* v. *Board of Education*, and some time later desegregation started to come. So educational planning was taken out of the metropolitan planning aspect of that particular council.

Now it's interesting that the growth of metropolitan government is going forward, and that in many respects many of our metropolitan governments are based upon one of the early metropolitan governments, Toronto. And in Toronto there also is a metropolitan educational approach. The Toronto Metropolitan Council was formed back in 1953, and at the same time that the Toronto metropolitan council was formed, a metropolitan Toronto school board was formed. It's comprised of the local Toronto school district and the five suburban districts.

It was revamped very substantially in 1967 to give the metro school board the basic powers for deciding the educational policies and prerogatives for the entire metropolitan area. There were three areas.

First, there is a major academic committee which creates the academic curricula. Second, a building and site selection committee decides or approves, finally, building site selection for the entire metro area. Third, there is a finance committee. The metro board in Toronto has the final say on metro financing. Teacher contracts are negotiated metro-wide. Initially, for a period of about four to six years, there were very serious problems with getting the teachers' contracts in line, but once it was done it was fine. And also of course with regard to metro shared services transfer of students, etc.

Now of course that is not in a desegregation context, and so it may be a little bit ideal. But there is no reason why a metro approach could not be taken if you could overcome the political hurdles.

The second approach is school consolidation. Nobody really knows the exact or the precise size of the ideal school district. There are various projections that are made as ideals, but they vary, of course, depending upon what districts or what states you're in.

The use of consolidation has long been urged by educational planners. But it hasn't been happening recently, in our major metropolitan areas, because there you're talking about desegregation as well. An example well known through litigation is the consolidation law passed by the state of Delaware in 1968, which encouraged consolidation of all the school districts in Delaware with one major exception, Wilmington. Wilmington, of course, had increasingly black enrollment at that time. Through federal court litigation that exception was found to be a discriminatory, inter-district action, and there will soon be a metropolitan remedy in Wilmington. But there's no reason that Wilmington should've been left out of that law. It could be included.

Another approach at consolidation is found in those states where you have independent urban boards within a county. The independent urban board can dissolve itself, creating automatically a county-wide or a larger unit. That's a type of educational system.

That, indeed, is done sometimes, as it was done in the context of the Louisville metropolitan litigation. The Louisville Board of Education dissolved itself, and the Jefferson County board of education now, with some variations, is the governing board of education.

A third approach is the use of transfers. Straight inter-district transfers, such as were mentioned with regard to Rochester, have been used since 1965. The approach has not been widely used, only about 800 students, but it's there. Of course there are no financial incentives. The Wisconsin experience, which Mr. Conta spoke about, probably is one of the most important new directions in the future, to provide the financial incentives to actually effectuate effective metropolitan desegregation. There may be other examples where the inter-district approaches have worked better, but I would think that the financial incentive aspect is the most novel.

A fourth type of device which can be used is the shared services approach which already is in existence in many metropolitan areas. Sometimes—but not necessarily—there is a metro government involved. But one example of shared service are sewage districts. Now instead it's done in education, particularly in special education, where one school district in a metro area, will have the school for the deaf, and that district will contract with other districts to teach the students. It's a contracting approach. Similarly, one district will have a school for emotionally and mentally retarded. And that district will contract with other districts.

There is no particular reason that this approach could not be used to contract for things other than special education. You could contract to use the magnet school type approach, or you could contract simply for students. In fact, the Rochester transfer plan that has been spoken about, was indeed initiated through a shared services approach. There's a board of cooperative educational services for Monroe County, and it is through that board of cooperative services, which goes beyond special education, that the transfer program has been used. Again, Wisconsin is starting to get into this through negotiations and contract system they are setting up.

This is not to say that all of these are going to happen easily. They're old directions. They need guts, as people have been saying. Very often money is needed, and you have to go to the legislature. But the directions are there: they've been there for a long time. They simply need to be followed. Thank you.

BOYD BOSMA

I'm Boyd Bosma of the National Education Association. In attempting to develop some remarks for this afternoon, I was well aware that I might be the last speaker, and the problem was to identify those things that I had to say that were important that were not or would not have been covered adequately by other speakers. As a result I do not intend to talk about procedures for bringing about metropolitan desegregation, techniques for organizing school district, but I'd like to talk about the interests, specifically, of the constituency that I represent. Teachers. And some of the kinds of things that teachers across the country have found out as desegregation has progressed, that relate directly to the question of whether or not quality integrated education will occur within desegregated school systems.

While teachers and teacher associations have generally given consistent support to desegregation efforts and the quest for equal educational opportunity, increasing questions are being asked as desegregation continues. Because teachers essentially serve on the front lines in dealing with boards of education, school administrators, parents, and students, they are acutely conscious of problems affecting educational quality and the rights of students and themselves as desegregation is implemented.

Although many of the problems affecting teachers which arise in metropolitan desegregation are much the same as those found in single-district desegregation situations, there are new problems. All of them, new or not, tend to be more severe, especially in situations which have been characterized by extended confrontation, controversy, and little planning for constructive change across the involved communities. Teachers are affected directly by almost every decision made in the desegregation process, but all too often are ignored or treated as though they have no legitimate interest in what happens in their schools. In particular, teachers play a primary role in determining whether or not quality education will exist in desegregated/integrated schools. Their morale, their support for positive change are essential ingredients in bringing into reality the promises implied in all of our efforts to bring about quality integrated education in our nation's schools.

Problems associated with desegregation/integration generally fall within three major categories: rights issues, quality education, and equal opportunity, and teacher associations have learned to build their own strategies accordingly. The protection of the rights of all concerned is a fundamental precept if desegregation is to fulfill its promise; teachers are particularly concerned that good educational programs and stable schools prevail after desegregation is implemented; and the provision of equal educational opportunity, with the removal of all vestiges of discrimination, is so obvious a condition of good education that it is surprising it must still be stated. The attainment of any of these three conditions requires the attainment of the others; they are inextricably interrelated and interdependent.

At the same time, desegregation in too many districts is characterized by problems within the three categories:

Rights Issues

Violations of negotiated contracts
Arbitrary and unfair discipline policies
Removal of experienced, qualified teachers from minority schools with replacements by inexperienced staff
Unilateral transfer and reassignment policies
Dismissals and/or displacement of teachers and principals
Disruption of building faculties and ongoing programs
Denial of teacher and student input in planning and decision-making
Inadequate inservice programs imposed by school administrators without consideration of teacher needs and priorities
Organizational disruption within teacher associations
Lowered teacher and student morale
Isolation of minority teachers in schools with few or no minority students

Quality Education

Lack of adequate curriculum planning or consideration of educational needs of changing or diverse student populations
Disruption of ongoing programs meeting needs of minority students, and most noticeably in bilingual/bicultural education
Irrelevant and unrewarding inservice programs (or none at all)
Failure to take advantage of opportunities for cooperative planning among students, teachers, parents, and community representatives
Lack of effective community/parent/student/teacher input

Failure to apply for or utilize ESAA and other funds to benefit minority and nonminority children

Equal Educational Opportunity

Staking out of "territories" in newly desegregated schools, "ownership" problems lead to conflict and violence

Loss of after-school activities, clubs, sports, proms, social events

Continuing discrimination and unequal treatment in desegregated schools

Inadequate or inappropriate textbooks and other learning materials; inadequate curriculums

Lack of preparation of minority and nonminority students and teachers to work together

Continuing problems with discipline and disruption

The experiences of teachers in Louisville/Jefferson County, Kentucky, provide a number of prime examples of problems which can affect the quality of education in metropolitan desegregation situations. The following items were taken from a much longer list given to me by a Jefferson County teacher this past weekend. Although she remains a staunch supporter of integration, she feels, as I do, that these conditions were unnecessary and contributed to disruption in many schools:

1. During the years desegregation was bouncing around the courts, *no* contingency plans were prepared.
2. There was an extremely short time span between the action of the state to merge the districts in April and students reassignment in September.
3. Staff in both city and county schools had little or no idea of policies, procedures, or even names of those put in charge of various operations.
4. City and county teacher associations faced their own merger problems.
5. There were *no* inservice programs to acquaint teachers with problems they would be facing in the fall.
6. Assignments waited until the last minute; calls informing teachers of their assignments were made up to the night before school opened. Mailed notices were often smeared, illegible, and incorrect.
7. Misassignments proliferated; the computer was not programmed to include seniority information; new hires were placed in slots ahead of teachers returning from leave. In some schools, all of the minority teachers were reassigned, and the return of some had to be demanded.
8. When school opened and the anti-bussers boycotted and protested, teachers were threatened. Administrators told teachers if they did not like their assignments that they could be replaced.
9. Inconsistency in discipline policies and arbitrary actions by building principals soon resulted in abnormally high suspension rates, primarily of minority students.

Problems in Jefferson County have continued through the fall of 1976 and to the present. In December, a two-week teacher strike finally brought together the former city and county teachers, perhaps the single most positive action involving teachers since desegregation began. It is regrettable that teacher unity had not been achieved without the strike, but a brief summary of a few other situations may help explain why matters can come to such a course:

1. Racine, Wisconsin, had an excellent desegregation experience two years ago, except for numerous arbitrary violations of teacher contract provisions. The teachers had planned to forego protests of the violations in the interest of a successful desegregation experience.
2. Indianapolis teachers were told by their board a few years ago that 600 would be dismissed if desegregation was implemented.
3. In Denver, Hispanic teachers were replaced in bilingual programs this year by Spanish-speaking Anglos, then dispersed with other Hispanic teachers. There are fewer Chicano teachers in the elementary schools of Denver than there are elementary schools, so this meant one teacher to a building only as long as they lasted.
4. The Fort Wayne superintendent has tried for two years to close six predominantly

minority schools, with one-way reassignment to other inner-city schools, openly antagonizing both teachers and the community.

5. San Diego teachers, as were teachers in a number of other cities, faced reassignment this fall, but no action was taken to reduce minority isolation among students, meaning that substantial disruption is occurring within minority schools as a result of disproportionate transfers of minority teachers.

A significant problem for teachers has to do with the failure or refusal of school districts to allocate funds for legitimate educational purposes. The three-year national evaluation of ESAA has demonstrated that the provision of human relations-type programs in the context of school desegregation leads to statistically significant improvement in math and reading achievement, something not necessarily guaranteed by compensatory math and reading programs, which are usually funded by Title I and other compensatory education legislation. While these programs obviously deserve continued support, a very high percentage (as much as 75%) of desegregation money under ESAA goes to what would otherwise be characterized as compensatory reading and math programs.

In other situations, districts have failed to take advantage of opportunities to improve educational offerings, teacher capabilities, or intergroup relations with money collected for their participation in desegregation. The efforts of Dennis Conta and others in Wisconsin finally culminated last year in legislation to provide subsidies to districts receiving students from other districts for racial balance purposes. While the legislation and the motives of districts for participating are still debatable, one might expect that additional money brought to a district might be used to expand the educational horizons of all the students, if not the students involved in the cross-district transfers. One of the Milwaukee suburbs recently received $168,000 for participating in the plan. Teachers there have just uncovered how the money was spent:

$ 40,000	to renovate eight tennis courts
3,000	to change electrical switches in the high school
4,000	to reseal the gym floor in the middle school
3,000	to resurface the north drive and parking lot at an elementary school
10,000	for a parking lot at the middle school
36,000	for a parking lot at the high school
6,000	to paint the gym and stage ceilings
4,500	to paint the gym roof housing
6,000	to resurface a playground at an elementary school
15,000	to construct another high school parking lot
5,000	to reseal an area of the middle school roof
6,000	to build a fence and door for the smoking area at the high school
2,500	for a sound system
$141,000	total capital expenditures
22,000	to reduce the district tax levy
5,000	to the operating budget
$168,000	total received

My purpose here is not to suggest that any of these expenditures were illegal or even improper, but what might this money have meant if it were spent to improve instructional offerings, to purchase integrated learning materials, or to upgrade the quality of teaching in the district?

My original assignment for this presentation was to provide a set of recommendations for state and local policy in metropolitan desegregation. I remain convinced that such a list would have little meaning in the absence of the foregoing material to place the recommendations in context. Teachers do generally support desegregation; if the appropriate conditions are present, they will also support metropolitan desegregation. Under such circumstances will it be most possible to generate climates and programs which can most effectively prevent resegregation, white flight, and second generation desegregation problems.

Just as the problems associated with desegregation were classed in three general categories, my recommendations are also classed in the same categories. The lists are not complete or even exhaustive; they are meant to provide beginning points in planning for metropolitan desegregation so that future efforts in this area can more effectively involve all of us—teachers, parents, students, administrators, school boards, community representatives—in working together for better and fairer educations for all of our children.

Recommendations

Rights Issues

1. Teachers and teacher associations should be involved in all desegregation planning activities.
2. Opportunities should be provided for teacher input and involvement at all levels of decision-making within the local district as well as in any regional or state planning activities.
3. Teacher representatives should be selected or elected by constituent teacher associations, not by administrators or other parties, in the interests of fairness, representativeness, and accountability.
4. Negotiated contract rights should be respected at all times. Any changes in established procedures should be negotiated through mutual agreement. If state law forbids collective bargaining, procedures should be established to assure consensus among and consent by the parties before the imposition of new requirements.
5. Where more than one teacher association exists in the districts to be joined, opportunities should be sought to bring them together in advance. Procedures for merger and/or representation elections should be carefully negotiated. If rival teacher groups exist, it may be necessary for third parties to sponsor forums which can bring them together in productive circumstances.
6. In transfer and reassignment of teachers:
   a. Advance notice of policy changes or actions to be taken should be provided for all teachers
   b. Voluntary transfers should be sought first; if these are not sufficient, mandatory transfer should follow only under carefully defined conditions.
   c. All teachers, including those not projected for transfer, should be surveyed in advance and given opportunities for reassignment, whether or not for purposes of racial/ethnic balance.
   d. Procedures should not be sought to balance as much as possible teacher experience and qualifications among all schools in the metropolitan system.
   e. Separate guidelines for voluntary and involuntary transfer should be agreed on in advance and provided to all teachers.
   f. The district(s) should consider additional compensation or some level of flexibility in hardship cases, provided consistent rules have been established and implemented to prevent charges of favoritism or inconsistency.
   g. Where possible, transferred teachers should be reassigned in teams, to provide mutual support and to facilitate readjustment.
   h. A special group could be established with authority to act quickly to resolve transfer-related problems. If grievance processes have previously been established, such groups should be supplementary, with teachers retaining the right to revert to the

regular grievance process if satisfactory resolution of difficulties has not been achieved.

- i. Building principals should not under any circumstances have the right of final approval on transfers or teacher assignments during the period of desegregation. Teacher assignments are a district-level responsibility, and any procedure should be based solely on objective criteria.
- j. Standardized tests such as the National Teacher Examination have no appropriate use in determining teacher assignments, hiring, certification, retention, promotion, or dismissal.
- k. If teacher contracts in merging districts offer disparate benefits, no teacher should lose benefits previously contracted. In the event of salary differentials, salary should be equalized at the higher rate for all teachers for the remaining period of the contract.

7. As soon as possible, joint meetings and orientation of school staffs should be arranged.
8. Changes of any kind should be arranged as as much as possible to avoid disruption of existing staffs and special programs.
9. Minority teacher isolation should be avoided as much as possible; pairs and threes should be considered as a minimum in even the smallest schools.
10. The administration should seek opportunities to improve and sustain teacher morale wherever possible.
11. Adequate and relevant inservice programs should be provided based on identified teacher needs and priorities and with appropriate teacher input and involvement at all stages.
12. Information provided should be timely, accurate, and informative; secrecy has no place in desegregation planning.

Quality Education

1. Workshops, conferences, and training programs should be offered at every opportunity on a wide variety of topics such as new curriculum approaches, bilingual/bicultural education, community relations and involvement, federal program resources, discipline, and conflict intervention techniques. Except where absolutely necessary, they should not be mandatory. Release time and/or extra pay should be available to stimulate maximum participation.
2. Available resources should be utilized, including state Title IV programs, General Assistance Centers, university and college programs, state and regional educational departments, professional associations, and community organizations.
3. Available funding should be sought and utilized, especially ESAA funds.
4. Input of community organizations and coalitions should be sought. Early establishment of advisory committees on the ESAA model can be done prior to application for federal funds.
5. Surveys and needs assessments should be conducted with students, teachers, parents, and others.
6. The resources of other persons in the schools, including school health personnel, school security officers, special services, and community agents should be utilized.
7. Any moneys for special purposes related to desegregation should be used for educational purposes related to desegregation, not to fix parking lots or gym roofs.
8. Advance planning should be conducted among a wide number of groups, community organizations, and coalitions. Application by non-profit organizations for ESAA programs in support of desegregation plans should be encouraged.
9. Hearings among various groups and in different neighborhoods can help to identify potential problems and serve to build community support.
10. The needs and perspectives of ethnic and non-black minority groups should be respected and sought in addition to the

positions of Black and White spokespersons. The tri-ethnic committees established by the courts in some southwestern cities offer a beginning model.

11. Inservice education programs for teachers should be organized for cooperative planning purposes, not solely for imparting information or providing sounding boards for outside speakers or consultants.
12. Textbooks and curriculum materials used in all schools should be updated and evaluated for their appropriateness for a desegregated student body.

Equal Opportunity

1. All vestiges of discrimination or segregation should have been eliminated in the merged school system(s).
2. Where possible, standardized, norm-based tests should be eliminated throughout the period of desegregation, and probably forever. Under no circumstances should ability grouping or tracking programs be established or continued, especially where a disproportionate effect on minority students can be demonstrated or where assignments do not have a clear, direct relationship to identified individual student needs.
3. Counselors and building principals should receive special training in working with students from diverse groups.
4. Affirmative action programs should be established to ensure that school staffs are representative of the student populations and communities being served.
5. Equity for minority students, teachers, and communities should be sought in all activities related to desegregation.
6. Adequate and relevant programs, curriculum offerings, and learning materials should be available in all schools, especially those receiving transferred students.
7. The double standard in discipline should be avoided at all costs. Students sense hypocrisy and insincerity and react accordingly. Clearly defined codes of student rights and responsibilities should be jointly prepared.
8. Suspensions and expulsions should be abolished except perhaps in instances clearly related to the safety of other students. Alternative in-school activities should be established where possible if it is necessary to remove students from a classroom or school situation.
9. Students should have ready access to services, structures, and personnel devoted to protection of rights and assistance with resolution of problems. Some examples include ombudspersons, student grievance committees and procedures, school security personnel, and special counselors.
10. Human relations programs with students should be planned and designed to bring students together and to avoid as much as possible the development of "territories" and "ownership."
11. Clubs, sports, and after-school activities in both sending and receiving schools should be planned so as to maximize opportunities for intergroup interaction and integration.
12. Administrative leadership should be facilitative rather than directive, supportive rather than punitive.

MR. LYONS: Ladies and gentlemen, I want to thank you personally for having stayed with us. I have, like you, sat through the last two days of these proceedings. I feel that implicit in some of the remarks was an assumption that large city schools should be characterized as the dung heap of the educational establishment of this nation.

From my own perspective, notwithstanding my reference to Rev. Jesse Jackson's remarks, much of the education going on in those school systems can be envied by Readers' Digest suburbia. I think, too, that is is important to accept, as I do, the remarks of Walter Lippman, that the generations he represented cannot afford to lose sight of the hard won moorings of civilization, the rule of law. I think it's been rather eloquently put these last several days that we are on the threshhold of possibly new law. I find it particularly significant that we would assemble here in Washington where, from all quarters we see monuments, we see buildings, with those concepts we hold most dear, chiseled in marble, that we gather at this time to address this issue. I recall remarks written in 1841, when a person asked, what age would a man rather be born in. Is it not the age of evolution, the age of revolution, when the old and the new stand side by side and admit to being compared? This time, like all times, is a very good one, if we but know what to do with it. I feel most strongly that the answer to that question for many of us has been found to some degree in the remarks we've listened to these last several days.

I'm equally certain that you—like me—are frustrated; our drumbeats are different than those of others. And perhaps you—like me—welcome the opportunity of joining together with individuals of similar persuasion, equal commitment and to drink from the fountain of renewal that comes at times such as these. Perhaps, then, you'll not think ill of me if I presume upon my position as your moderator. Perhaps you—also like me—somewhat dependent upon federal funds, would turn to the conveners of this conference and suggest that we who hate your bloody guts salute you.

I do thank you for having invited me. I do thank you on behalf of those present and those who've left our company for this opportunity for having shed yet still additional light on that which is necessary to bring this nation much, much closer.

Now your program acknowledges the fact that some closing remarks will be made by Dr. Harold Delaney, Educational Equity Group, Associate Director, NIE.

HAROLD DELANEY: As I have listened to the panelists it has become clear that there is general commitment to the fact that people learn to live together by being together. And this is probably true for a whole host of reasons. But certainly one of the most important of those reasons is the fact that people do learn to live together in a total context. Part of that total context means gaining the experiences such that we have a more comprehensive understanding of how it is we develop our lives, our points of view, and our attitudes.

Certainly our schools and our schooling are an integral part of that total context. The job ahead is still difficult. There are many tasks that, obviously, remain to be completed. But as has been repeated here several times this afternoon, completing the task, doing the things left undone, requires a commitment. And it is probably true that one of the benefits of a conference of this kind is to regenerate a sense of commitment. I hope it is with this view in mind that we can depart from this conference with a sense of achievement. Thank you all.

Biographies
(March, 1977)

E. Lutrell Bing, Assistant Superintendent, Division of Supportive Services, of Hillsborough County, Florida, Public Schools, received his B.S. from Florida A&M University and his M.A. from Columbia University. Mr. Bing has served as Principal of elementary and junior high schools, Director of Special Projects for the School Board of Hillsborough County, and Chairman of the Hillsborough County District Desegregation Program. He has served on many federal panels and as consultant on matters relating to school districts and the process of desegregation; evaluation of proposals for federal funding; and advisory member to the Florida Desegregation Center, University of Miami. Mr. Bing has published widely in professional magazines on subjects ranging from reading, curriculum, and organizational patterns to race relations.

Boyd Bosma, specialist in civil liberties and intergroup relation in the National Education Association, received his B.A. from the University of Michigan and his M. Ed. and Ed. D. from Wayne State University. Dr. Bosma was a classroom teacher near Detroit, and directed the Research Task Force on Racism in Education for the Michigan-Ohio Regional Laboratory before joining NEA in 1968. Dr. Bosma has worked on problems of minority groups in education, including American Indians, Hispanics, Asian-Americans, and Blacks. He has served on the National Urban Coalition Task Force on Urban Education, change in federal desegregation policy guidelines and organized the negotiations process which led to the settlement of the 1973 Oglala Sioux Civil Rights occupation Wounded Knee, South Dakota. His publications include *School Desegregation Guidelines for Local and State Education Associations,* National Education Association, and articles in several publications dealing with the role of teachers in desegregation, testing, and student rights.

Beverly J. Cleckner, Advisory Specialist (Title IV), Program and Staff Development, Metropolitan-Nashville School System, received a B.S. and M.S. from the University of Kansas, and an Ed.S. and Ph.D. from George Peabody College, Nashville, Tennessee. Dr. Cleckner has had extensive experience in education, business, industry and government, helping groups to improve human relations and communication within an organization and between an organization and its various publics. She has developed and conducted programs to create effective communication in the integrated school; to provide leadership in a multicultural community, to design and implement in-service experience for improved human relations to enhance classroom management in a desegregated school to develop resources. In these programs she has worked with DeKalb County Schools, United Southeastern Tribes, U.S. Department of the Interior, University of Kentucky and the Urban League of Memphis. Dr. Cleckner's publications include: "An Integrated Curriculum for the Middle School," unpublished Ed.S. paper, 1972, George Peabody College, and *The InterChange Model: A Teaching Model for Humanizing Secondary Education,* C.C. Imprints, Inc., 1974.

Charles T. Clotfelter, Assistant Professor of Economics, Bureau of Business and Economic Research, University of Maryland, College Park, Maryland, received an A.B. (History) from Duke University and a Ph.D. (Economics) from Harvard. Since 1974 Dr. Clotfelter has been Assistant Professor in the Department of Economics and the Bureau of Business and Economic Research at the University of Maryland. He specializes in public finance, urban economics, and the economics of education. His articles analyzing the economic effects of school desegregation include "The Effect of School Desegregation on Housing Prices," *Review of Economics and Statistics* (November, 1975), "School Desegregation, 'Tipping,' and Private School Enrollment," *Journal of Human Resources* (Winter, 1976), and "The Detroit Decision and 'White Flight,' " *Journal of Legal Studies* (January, 1976).

William G. Colman serves as a consultant to various organizations concerned with state and local government, including: the International City Management Association, Citizens Conference on State Legislatures, International Association of Chiefs of Police, and the Education Commission of the States. Mr. Colman received a B.S. at the University of Missouri, an M.S. (Political Science) at the University of Missouri and has done graduate work at the University of Chicago. He has held technical and executive positions with the Department of State, foreign aid agencies and the Executive Office of the President, and served as Executive Assistant to the Director of the National Science Foundation. From 1960 to 1970 he was Executive Director of the Advisory Commission on Intergovernmental Relations. Following his official retirement from government he has been a visiting lecturer at the Universities of Maryland and Virginia, a member of the President's Commission on School Finance; an elected member of the Montgomery County, Maryland, Board of Education; Chairman of the Maryland Advisory Commission on Comprehensive Health Planning; and a member of the Maryland Commission on the Functions of Government. Mr. Colman is the author of *Cities, Suburbs and States* (N.Y., Free Press, 1975).

Dennis Conta, currently Secretary of the Wisconsin Department of Revenue, received his B.S. from Ripon College, his M.S.W. from the University of Wisconsin (Milwaukee), and after being appointed Administrative Fellow at the John F. Kennedy School of Public Administration, his M.P.A. from Harvard University. He was elected to 2 terms as Representative from the Milwaukee 25th Assembly District to the State Legislature, where he was elected co-chairperson of the Legislative Joint Committee on Finance. He has also served as Deputy Director of the Peace Corps at the University of Wisconsin, and as Director of Admissions of the Milwaukee Northside Citizens Neighborhood Conservation Corporation.

Dolores E. Cross, Director of Teacher Education, Claremont Graduate School, Claremont, California, received her B.A. from Seton Hall University, an M.S. from Hofstra University and a Ph.D. (Education) from the University of Michigan. Dr. Cross has served as a research assistant for the Newark (N.J.) Board of Education, a school teacher in New York City, and Assistant Professor of educational psychology at Northwestern University. Besides directing the teacher education at CGS, Dr. Cross teaches courses in multicultural education and child development. She is secretary to California Professors, Early Childhood Education; Secretary-Treasurer SIG, AERA on Minority Concerns, and has presented papers on multicultural education, desegregation, responding to individual differences, as well as on teacher education. Dr. Cross edited *Teaching in Multicultural Society* (N.Y., Free Press, 1976), and contributed a chapter on individualization of instruction to *Theories for Teaching*, and has written articles for the *Instruction* magazine and the *California Journal of Teacher Education.*

Edgar G. Epps, Marshall Field IV Professor of Urban Education at the University of Chicago (since 1970), earned a B.A. degree at Talladega College, an M.A. degree at Atlanta University, and a Ph.D. (Sociology) at Washington State University. Professor Epps has held faculty positions at Tuskegee Institute; the University of Michigan; Florida A&M University; and

Tennessee State University. He has served as consultant to governmental and private agencies interested in higher education, career education, and human relations. He has been an Associate Editor of the *American Sociological Review*, and a member of the council of the Society for the Psychological Study of Social Issues, and is a past president of the Association of Social and Behavioral Scientists. Professor Epps has authored and co-authored articles on social psychological factors influencing achievement and motivation of Black college students. He has also edited books on *Black Students in White Schools* (1972); *Race Relations: New Perspectives* (1973); *Cultural Pluralism* (1974); and co-authored with Patricia Gurin, *Black Consciousness, Identity and Achievement: A Study of Students in Historically Black Colleges* (1975). His broad involvement in community affairs includes service on the Board of Education of the City of Chicago.

Ronald D. Henderson, on leave from the University of Florida, is currently an NIE Associate assigned to the Desegregation Studies Staff. He received his B.A. and M.Ed. from Wayne State University and his Ph.D. from Michigan State University. His professional experience includes teaching and consulting from elementary school through graduate school. His publications have appeared in *Urban Education, Educational Leadership, Planning and Changing,* the *NSEE Yearbook,* and *Education and Urban Society.*

Nathaniel Jones, General Counsel for the NAACP, received his B.A. and L.L.B. from Youngstown University, Ohio. He has served as General Counsel to the NAACP since 1969. Formerly, Mr. Jones acted as the Deputy General Counsel for the President's Commission on Civil Disorder, Assistant U.S. Attorney for the Northern District of Ohio, Executive Director of the Fair Employment Practices Commission in Youngstown, Ohio, and as co-chairman of the Department of Defense Civilian-Military Task Force on the Administration of Military Justice. While serving on this commission, Mr. Jones examined racial discimination on U.S. military installations, both domestically and abroad. The recommendations by the commission were published in a 4-volume Task Force Report.

Rolland W. Jones, Education Consultant in desegregation, collective negotiations, community involvement, school law, administration, curriculum and staff development, received a B.S. (Education) from Massachusetts State Teachers College, A.M. from Boston University, Ed.D. and J.D. from the University of Denver, and L.L.B. from Westminster Law School. Dr. Jones is a member of the Colorado Bar. He has served in the past as Superintendent of Schools, Charlotte-Mecklenburg, North Carolina; Edmonton, Alberta, Canada; Decatur, Illinois and Mountain View, California.

E. Richard Larson, National Staff Counsel for the American Civil Liberties Union, since 1974, previously served as Senior Attorney with the National Employment Law Project, where he was concerned with employment discrimination aspects of civil rights. At the ACLU, Mr. Larson has specialized in litigation and legislation in the area of race discrimination law. Through his assistance to ACLU state affiliates, he has been involved in many of the ACLU desegregation lawsuits, including the metropolitan desegregation lawsuits in Louisville, Wilmington, and Atlanta. Mr. Larson was a convenor of and serves as a member of the ACLU Desegregation Task Force.

Daniel U. Levine is Professor of Education and Director of the Center for the Study of Metropolitan Problems in Education at the School of Education, University of Missouri-Kansas City. Before joining the University of Missouri in 1964, he worked on the Chicago School Survey and taught in several types of high schools in Chicago. For a number of years, Mr. Levine has been conducting research on metropolitan and urban education issues. He has also served on special groups dealing with these topics, including a 1976 Office of Education Task Force on Urban Education and a Great Plains School District Reorganization Project Committee on Education in Metropolitan Areas.

Rayna F. Levine is a member of the Kansas Advisory Committee to the U.S. Civil Rights Commission. She currently works as coordinator of planning at Notre Dame de Sion Lower School in Kansas City, Missouri. She has been an elementary school teacher in Chicago, Illinois and Kansas City, Missouri and has been active in a number of civic groups including the Panel of American Women.

Robert A. Lyons, Deputy State Superintendent, Chicago Regional Office, Illinois Office of Education, received a B.A. and M.A. (Educational Administration and Rhetoric and Public Address) from Michigan State University, and is currently a candidate for Ed.D at Northwestern University. Mr. Lyons' many responsibilities in the Chicago office include school desegregation and bilingual education programs. He formerly served as Assistant Superintendent, Illinois Office of Education, Department of Urban and Bicultural Education; Director, Equal Education Opportunity Section, Illinois Office of Education; classroom teacher, and Commissioner, Education Commission of the States. Mr. Lyons has served as desegregation consultant to the U.S. Office of Education (Washington, D.C. and Region V, Chicago); Cook County Educational Region, Chicago; Human Relations Commission, State of Michigan; the Michigan, Indiana and Nevada State Departments of Education; and Mayor Daley's Chicago Technology and Urban Needs Program. He has authored or contributed to "Programs for Educational Opportunity," University of Michigan; "Role and Contributions of American Negroes in the History of the United States and Illinois," Illinois Office of Public Instruction; "Rules Establishing Requirements and Procedures for the Elimination and Prevention of Racial Segregation in Schools," Illinois Office of Public Instruction.

Ewald B. Nyquist, President of the University of the State of New York and Commissioner of Education, New York State Education Department, received a B.S. and graduate degree from University of Chicago, and has been awarded several honorary doctoral degrees. Mr. Nyquist has served as Director of Admissions, Columbia University; State of New York, Assistant Commissioner for Higher Education, Associate Commissioner for Higher and Professional Education, and Deputy Commissioner of Education. Mr. Nyquist serves on interdepartment committees for human rights, migrant labor, problems of the aging and youth. His publications include *Open Education, A Sourcebook for Parents and Teachers* (Bantam Books, co-edited with Gene R. Hawes, 1972), and the Harlan E. Anderson Lecture, Yale University, 1971 Lecture, Graduate Library School, University of Chicago, 1967.

Gary Orfield, Associate Professor of Political Science, University of Illinois, Urbana, received his B.A. at the University of Minnesota, and his M.A. and Ph.D. at the University of Chicago, where he held the Woodrow Wilson and Danforth Fellowships. He has organized programs on Minnesota Indian reservations, founded the movement for a New Congress, and until recently was actively involved with the District of Columbia public schools. In Washington, D.C. he served as Scholar-in-Residence at the U.S. Commission on Civil Rights, Research Associate at the Brookings Institution and consultant to the Senate Committee on Labor and Public Welfare. His publications include: *The Reconstruction of Southern Education: The Schools and the 1964 Civil Rights Act* (Wiley, 1969); *Congressional Power: Congress and Social Change* (Harcourt, Brace and Jovanovich, 1975). A major book on urban school desegregation policy will be published by the Brookings Institution this year.

Daniel D. Polsby, Assistant Professor of Law at Northwestern University, received a J.D. from the University of Minnesota in 1971. Professor Polsby has held various positions in government and the private practice of law. His articles include: "The Death of Capital Punishment?" 1972 Supreme Court Review 1; "The Greening of Amerika," 54 Michigan Law Review, 148 (1975); and "The Special Nature of Political Speech," 1976 Supreme Court Review, 1.

Suzanne Post, Women's Director of the Louisville and Jefferson County Human Relations Commission in Louisville, Kentucky, received a B.A. and M.A. at the University of California (Berkeley). Ms. Post is Vice Chairperson of the

National Board of the American Civil Liberties Union and a member of the national Task Force on Desegregation. She is also co-chairperson of the Kentucky Pro-ERA Alliance. Ms. Post is the only white plaintiff in the Jefferson County school desegregation suit, which was filed when she was President of the Kentucky Civil Liberties Union, and when all five of her children were enrolled in public schools. She spent four years prior to the implementation of the Louisville-Jefferson County desegregation plan developing community coalitions to assure a positive desegregation of the system's schools. For two of those four years, she served as a consultant to the Board of Education.

Marshall S. Smith, Associate Director, National Institute of Education in charge of Planning, Budget and Program Analysis, received his A.B., Ed.M. and Ed.D from Harvard University. Dr. Smith served as Assistant Professor and Instructor in Human Development and Education and Social Policy, as well as Associate Professor in Education and Social Policy at Harvard Graduate School of Education. At NIE, he has served as Visiting Scholar, Acting Assistant Director in charge of Essential Skills Program, and Advisor to the Director. Dr. Smith has been a consultant to the Boston Public School System and the U.S. Commission on Civil Rights. Among his publications are: Jencks, C.S. and Smith, M.S., *et al., Inequality: A Reassessment of the Effect of Family and Schooling in America* (New York/London, Basic Books, 1972); "Equal Opportunity: Some Promise and a Lack of Vision" in *Education, Inequality and National Policy,* Ashline *et al.* (eds.) (Lexington Books, 1976); "The Second Year of Head Start Planned Variations" in *Planned Variation in Education: Should we give up or try harder?,* Alice M. Rivlin and P. Michael Timpane (eds.) (Brookings Institution, 1976).

Lorenza Calvillo Schmidt, Member, California State Board of Education, and Assistant Dean of Students, University of California, Irvine, received a B.A. at the University of California (Berkeley), and elementary and secondary teaching credentials at Fresno State University. She taught at Selma Continuation High School, and in the Riverside City School District. She did graduate work at the University of California at Riverside, and was an Associate in Chicano Studies at the University of California (Riverside). Mrs. Schmidt has served as Instructor at Lane Community College, Eugene, Oregon; as Special Assistant to the President on Affirmative Action, Assistant Professor in School Education at the University of Oregon, and Chairperson, Education Task Force, Riverside Urban Coalition.

Robert A. Sedler, Professor of Law at the University of Kentucky, currently serving as Visiting Professor of Law at Cornell Law School, Ithaca, New York, received his B.A. and J.D. from the University of Pittsburgh. He has taught law since 1956 at the University of Kentucky. Next year he will move to Detroit as Professor of Law at Wayne State University. He was chief counsel for the plaintiffs in *Newburg Area Council* v. *Board of Education of Jefferson County, Kentucky,* the suit to desegregate the Louisville metropolitan area, the first district in the country to implement court-ordered metropolitan desegregation. He is currently co-counsel in *Armour* v. *Nix,* a suit to desegregate the Atlanta metropolitan area. He was also counsel for the plaintiffs in the Fayette County (Lexington) Kentucky desegregation case. Professor Sedler is the author of "Metropolitan Desegregation in the Wake of *Milliken*—On Losing Big Battles and Winning Small Wars: The View Largely from Within," 1975 Washington University Law Quarterly, 535.

Karl E. Taeuber, currently at the Institute for Research on Poverty, University of Wisconsin, studied at Yale, Harvard and the University of Chicago, receiving his Ph.D. from Harvard University in 1960. He joined the faculty at the University of Wisconsin in 1964 and served as Chairman of the Department of Sociology for several years. He has been affiliated with the Institute for Research on Poverty since its inception in 1966. He has conducted research on Negro population distribution, including urbanization, suburbanization, migration, and residential segregation. Many of his publications, including the book *Negroes in Cities,* were coauthored with his demographer-wife, Dr. Alma F. Taeuber. Professor Taeuber has testified as an expert witness on housing segregation, school segregation, and their mutual relation at more than a dozen school desegregation trials, including three of the principal metropolitan cases, Richmond, Detroit and Wilmington. He is currently co-director (with Professor Franklin D. Wilson) of a major study sponsored by HEW to determine the impact of social desegregation policy on the racial and socioeconomic characteristics of the nation's schools and residential communities.

William L. Taylor, Director of the Center for National Policy Review at Catholic University Law School, is adjunct professor at the law school. The Center for National Policy Review is a foundation-sponsored public interest organization concerned with the enforcement of federal civil rights laws. Mr. Taylor attended public school in New York City and received a J.D. from Yale Law School in 1954. He joined the U.S. Commission on Civil Rights in 1961. At the Commission he served in several posts, including that of General Counsel before being appointed Staff Director by President Johnson in 1965, where he served until 1968. Mr. Taylor's extensive publications in the field of civil rights include: *Hanging Together: Equality in an Urban Nation* (Simon and Schuster, 1971).

Mary von Euler is an attorney and Education Policy Fellow, serving with the Desegregation Studies Staff of NIE. She received her A.B. from Radcliffe College, an M.A. from Columbia University Teachers College, and a J.D. from Catholic University. She has worked as a legislative secretary to Senator Hubert Humphrey, as a social studies teacher in public secondary schools in Connecticut and Maryland, and as a researcher in Economics at the Brookings Institution in Washington. She served as a legal intern at the Center for National Policy Review, and is the author of "Meeting the Courts' New Research Needs," 9 Education and Urban Society 277 (May, 1977).

* U.S. GOVERNMENT PRINTING OFFICE : 1977 0-730-567/656